

ZONING AND SHORELAND PROTECTION ORDINANCE

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

51 **9.31 GENERAL DESCRIPTION OF PERMITS**

52 A. Permitted Uses

53 As provided in sections 9.32 and 9.33 below, generally a zoning
54 permit must be obtained from the Zoning Administrator before a
55 permitted use may occur or a structure is built, erected, placed,
56 enlarged, altered, or moved ~~built or altered~~. The procedures for the
57 issuance of such a zoning permit are found at sections 9.34 and
58 9.35. Even in the case of a listed "permitted use," after reviewing a
59 zoning permit application, the Zoning Administrator may determine
60 that special conditions need to be imposed to control the impact of
61 a proposed permitted use. When this occurs, the permitted use is
62 treated as an administrative review use. Section 9.35 describes the
63 situations in which certain permitted uses may be treated as
64 administrative review uses. In such a situation, the Zoning
65 Administrator would process the application under the procedures
66 applicable to administrative review permits contained in section
67 9.36.

68 **9.32 ZONING PERMIT REQUIREMENT (#8-2015)**

69 A zoning permit shall be obtained before:

- 70 A. A structure is built, erected, placed, enlarged, altered or moved.
71 B. A structure is structurally altered so as to change its use or increase
72 the square footage of its floor area or vertical surface area.
73 C. A structure is repaired when 50% or more of a structure's CEAV has
74 been damaged or destroyed by fire or other catastrophic cause.
75 D. The construction, reconstruction, expansion, replacement or relocation
76 of any impervious surface on a riparian lot or parcel and any non-
77 riparian lot or parcel that is located entirely within 300 feet of the
78 ordinary high-water mark of any navigable waterway.
79 ~~D. E.~~ The use of a structure or property is changed.
80 ~~E. F.~~ A recreational vehicle is used as a dwelling for more than five (5)
81 consecutive days unless exempt under 9.33(F).
82

83 **9.33 EXCEPTIONS TO ZONING PERMIT REQUIREMENT**

84 A. New Structure (Costs under \$2,500)

85 A zoning permit shall not be required when the total fair market value of
86 materials and labor reasonably anticipated for the total cost of constructing
87 a new structure is \$2,500.00 or less, and provided:

- 88 1. The structure is less than 200 square feet in size.
89 2. The structure is not part of a sewerage system.

89 3. Driveways, sidewalks and walkways, greater than 75' from the
90 OHWM provided they meet the impervious requirements of the
91 ordinance

92 ~~3.~~ 4 The structure conforms with all other requirements of this
93 ordinance.

94 B. Existing Structure (Alterations under \$2500.00 ~~\$5,000.00~~)

95 A zoning permit shall not be required for an existing structure when the
96 cumulative fair market value of materials and labor for all structural
97 alterations to the structure, excluding ~~ordinary~~ maintenance and repairs, is
98 \$2500.00 ~~\$5,000.00~~ or less over the life of the structure, and provided:

99 1. The improvements or alterations do not structurally alter the
100 structure so as to change its use.

101 2. The improvements or alterations do not include the replacement
102 of an existing impervious surface greater than 200 square feet in
103 size.

104 ~~2-~~ 3. The structure conforms to all of the requirements of this
105 ordinance.

106 ~~3-~~ 4. The structural alteration does not result in any further
107 encroachment upon any setback, yard or open space areas controlled
108 by this ordinance.

109 C. ~~Ordinary~~ Maintenance and Repairs

110 A zoning permit shall not be required for the ~~ordinary~~-maintenance and
111 repair of a structure.

112 **9.37 MISCELLANEOUS ZONING AND ADMINISTRATIVE REVIEW PERMIT**
113 **PROVISIONS**

114 A. Expiration. A zoning permit, shoreyard alteration permit or
115 administrative review permit shall expire two years from the date of
116 issuance of the permit and may not be renewed.

117 1. The footings, foundation or slab and the outside shell of the
118 structure must be complete at the time the original permit
119 expires. If the footings, foundation or slab and the outside shell
120 is not complete within two years, a new zoning permit must be
121 applied for and approved.

122 B. Reapplication After Denial
123

1. No zoning permit, shoreyard alteration permit or administrative review permit application which has been denied by the Zoning Department shall be considered again within one year of the written denial.

2. An applicant may re-file a zoning permit, shoreyard alteration permit or administrative review permit application if the application does not involve a request for a similar project or project of similar size, scope and design or where the application no longer conflicts with any ordinance provisions.

B. Posting of Permit. Once issued, the zoning permit, shoreyard alteration permit or administrative review permit shall be posted in a prominent place on the premises or structure prior to and until after the completion of the building, erection, placement, enlargement, alteration or moving of the structure. The permit does not need to be posted if it was obtained solely because the use of a structure or property was changed and no building, erection, placement, enlargement, alteration, or moving of a structure will occur.

C. Committee Consultation. The Zoning Department may consult with the Committee on any zoning permit application, shoreyard alteration permit application or administrative review permit application.

D. Permit Records. The Department shall keep a complete record of all zoning permits, shoreyard alteration permits and administrative review permits and denials issued by the County.

9.72 BUILDING HEIGHT RESTRICTIONS

A. Height Limit Restrictions.

All structures located within 75ft of the OHWM. No principal or accessory structure located within 75 feet of the ordinary high-water mark (OHWM) of any navigable waters shall exceed 35 feet in height. See Article 10 definitions.

A B. Height Limit Restrictions.

Principal and accessory structures located greater than 75ft from the OHWM. See Article 10 definitions.

1. Except as provided in section 9.72(B), any building or structure exceeding two (2) stories or 35 feet in height shall require a CUP.

161 2. No principal building or structure shall exceed two stories or 35
162 feet in height and no detached accessory structure shall exceed 25
163 feet in height in District 2 Single Family Residential.

164 3. No multiple family dwelling units shall exceed two stories or 35
165 feet in height when community sewer and water facilities are not
166 provided.

167 4. No detached accessory structure shall exceed 25 feet in height
168 in District 3 Multiple Family Residential.

169 ~~5. No boathouse or gazebo shall exceed 12 feet in height.~~

170 **B C.** Exemptions. Structures located greater than 75ft from the OHWM.

171 Buildings and structures that are exempt from height restrictions
172 are:

173 1. Uninhabitable architectural projections, such as spires, belfries,
174 parapet walls, cupolas, domes, flues, and chimneys are exempt
175 from the height limitations of this ordinance.

176 2. Special structures, such as gas tanks, grain elevators, private
177 radio and television receiving antennas, manufacturing equipment
178 and necessary mechanical appurtenances, cooling towers, fire
179 towers, sub stations and smoke stacks are exempt from the height
180 limitations of this ordinance. A zoning permit or a conditional use
181 permit may be required.

182 3. Essential services, such as utilities, water towers, electric power
183 and communication transmission lines are exempt from the height
184 limitations of this ordinance, but a zoning permit or a conditional
185 use permit may be required.

186 4. Communication structures, such as radio and television
187 transmission and relay towers, aerals and observation towers,
188 emergency service communication towers, and wireless telephone
189 service towers shall be the minimum distance from all lot lines that
190 they are in height, except when certification is provided by a
191 Wisconsin licensed structural engineer and/or the tower
192 manufacturer that the tower is designed to collapse within 50-
193 percent of the height of the tower. With such certification provided,
194 towers shall be the minimum distance of half the height of the tower
195 from all lot lines. A zoning permit or a conditional use permit shall
196 be required.

197 5. Agricultural structures, such as barns, silos, and windmills shall
198 be the minimum distance from all lot lines that they are in height.
199 Section 9.71(A)(4) shall also apply.

200 6. Public or semipublic facilities, such as schools, churches,
201 hospitals, monuments, sanitariums, libraries, governmental offices
202 and stations.

203 **ARTICLE 9 - SHORELAND PROTECTION PROVISION**

206	9.90 Shoreland Protection
207	9.91 Shoreland-Wetland Zoning
208	9.92 Shoreland-Wetland Restrictions
209	9.93 Land Division Review and Sanitary Regulations
210	9.94 OHWM Setbacks
211	9.95 Shoreland Vegetation Protection Area
212	9.96 Shoreland Mitigation Plan
213	9.97 Shoreland Alteration Permits
214	9.98 Piers, Other Berth Structures
215	9.99 Shoreland Uses and Structures

219 9.90 SHORELAND PROTECTION

221 A. Statutory Authorization

223 This ordinance is adopted pursuant to the authorization in ss.
224 59.692 Wis. Stats to implement 59.692, and 281.31.

226 B. Finding of Fact

228 Uncontrolled use of the shorelands and pollution of the navigable
229 waters of Oneida County will adversely affect the public health, safety,
230 convenience, and general welfare and impair the tax base. The
231 legislature of Wisconsin has delegated responsibility to the counties to
232 further the maintenance of safe and healthful conditions; prevent and
233 control water pollution; protect spawning grounds, fish and aquatic life;
234 control building sites, placement of structures and land uses; and to
235 preserve shore cover and natural beauty. This responsibility is hereby
236 recognized by Oneida County, Wisconsin. Changes made in 2017 to
237 comply with NR115, Act 55, Act 167 and Act 391.

239 C. Purpose and Intent (NR 115.01)

For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

1. Further the Maintenance of Safe and Healthful Conditions and Prevent and Control Water Pollution Through:
 - a. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
 - b. Establishing minimum lot sizes to provide adequate area for private on-site wastewater treatment systems (POWTS).
 - c. Controlling filling and grading to prevent soil erosion problems.
 - d. Limiting impervious surfaces to control runoff which carries pollutants.
2. Protect Spawning Grounds, Fish and Aquatic Life Through:
 - a. Preserving wetlands and other fish and aquatic habitat.
 - b. Regulating pollution sources.
 - c. Controlling shoreline alterations, dredging and lagooning.
3. Control Building Sites, Placement of Structures and Land Uses Through:
 - a. Prohibiting certain uses detrimental to the shoreland-wetlands.
 - b. Setting minimum lot sizes and widths.
 - c. Setting minimum building setbacks from waterways.
 - d. Setting the maximum height of near shore structures.
4. Preserve and Restore Shoreland Vegetation and Natural Scenic Beauty Through:
 - a. Restricting the removal of natural shoreland cover.
 - b. Preventing shoreline encroachment by structures.
 - c. Controlling shoreland excavation and other earth moving activities.
 - d. Regulating the use and placement of boathouses and other structures.

D. Shoreland Jurisdiction

The shoreland protection provisions of this ordinance are adopted pursuant to sec. 59.692, Wis. Stats., and shall apply to all lands (referred to herein as "Shorelands") in the unincorporated areas of Oneida County, which are:

1. Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Oneida County shall be presumed to be navigable if they are listed in the DNR publication "Surface Water Resources of Oneida County" or shown on the 7.5 minute series United States Geological Survey quadrangle maps.

- 286 2. Within three hundred (300) feet of the ordinary high water mark of
287 navigable rivers or streams or to the landward side of the
288 floodplain, whichever distance is greater. Rivers and streams in
289 Oneida County shall be presumed to be navigable if they are
290 designated as either continuous or intermittent waterways on the
291 United States Geological Survey quadrangle maps. Flood
292 Insurance Rate Maps, which have been adopted by Oneida
293 County, shall be used to determine the extent of the floodplain of
294 navigable rivers or streams in Oneida County. Floodplain areas are
295 subject to the Oneida County Zoning and Shorelands Protection
296 Ordinance.
- 297 3. The provisions of this chapter apply to regulation of the use and
298 development of unincorporated shoreland areas unless
299 specifically exempted by law, all cities, villages, towns, counties
300 and, when s. 13.48 (13), Wis. Stats., applies, state agencies are
301 required to comply with, and obtain all necessary permits under,
302 local shoreland ordinances. The construction, reconstruction,
303 maintenance or repair of state highways and bridges carried out
304 under the direction and supervision of the Wisconsin
305 Department of transportation is not subject to local shoreland
306 zoning ordinances if s. 30.2022 (1), Wis. Stats., applies. (NR
307 115.02) Shoreland zoning requirements in annexed or
308 incorporated areas are provided in s. 61.353 and s. 62.233, Wis.
309 Stats.
- 310 4. Determinations of navigability and ordinary high water mark shall
311 initially be made by the Zoning Administrator. When questions
312 arise, the Zoning Administrator shall contact the Northern Region
313 Service Center of the DNR for a final determination of a
314 navigability or ordinary high water mark. The county may work with
315 surveyors with regard to Wis. Stats. Sec. 59.692(1h).
- 316 5. Under s. 281.31(2m) Wis. Stats., notwithstanding any other
317 provision of law or administrative rule promulgated thereunder, this
318 shoreland zoning ordinance does not apply to:
- 319 a. Lands adjacent to farm drainage ditches
320 (1) Such lands are not adjacent to a natural navigable stream
321 or river;
322 (2) Those parts of such drainage ditches adjacent to such
323 lands were not navigable streams before ditching; and
- 324 b. Lands adjacent to artificially constructed drainage ditches,
325 ponds or stormwater retention basins that are not
326 hydrologically connected to a natural navigable water body.
- 327 6. Shoreland Zoning Standards. In the past counties were allowed to
328 adopt shoreland zoning standards more restrictive than those
329 contained in NR 115. Currently, requirements in 2015 Wisconsin
330 Act 55 do not allow counties to regulate a matter in a shoreland
331 zoning ordinance more restrictively than the matter is regulated by

332 a shoreland zoning standard. However, counties can continue to
333 regulate a matter that is not regulated by a shoreland zoning
334 standard.

335 7. Interpretation. Wis.Stats. Sec. (59.69)(13) In their interpretation and
336 application, the provisions of this ordinance shall be liberally
337 construed in favor of the county and shall not be deemed a
338 limitation or repeal of any other powers granted by Wisconsin
339 Statutes. Where a provision of this ordinance is required by statute
340 and a standard in ch. NR 115, Wis. Adm. Code, and where the
341 ordinance provision is unclear, the provision shall be interpreted in
342 light of the statute and ch. NR 115 standards in effect on the date of
343 the adoption of this ordinance or in effect on the date of the most
344 recent text amendment to this ordinance.

345 8. Severability. If any portion of this ordinance is adjudged
346 unconstitutional or invalid by a court of competent jurisdiction,
347 the remainder of this ordinance shall not be affected.

348 349 E. General Zoning Provisions Apply in Shoreland Jurisdiction

350
351 The general zoning provisions of this ordinance consisting of Articles 1,
352 2, 3, 4, 5, 6, 7, 8 and 10 are expressly incorporated by reference into
353 the Shoreland Protection Provisions (Article 9) of this ordinance and
354 shall apply in the shorelands through the County, in towns that have
355 adopted Comprehensive Zoning, and areas specified in Ordinance
356 Amendment #367 (Sugar Camp Lake), Oneida County Board
357 Resolution #8-92, effective March 2, 1992 and Ordinance Amendment
358 #293 (Indian Lake), Oneida County Board Resolution #100-87,
359 effective November 11, 1987 to the extent applicable. Both in the
360 Town of Sugar Camp. In the event of a conflict between the general
361 zoning provisions and the Shoreland Protection Provisions, the more
362 restrictive provisions shall apply.

363 364 F. DNR Notices and Copies of County Decisions

- 365
366 1. Written notice shall be given to the Northern Region Service Center
367 of the DNR at least ten (10) days prior to hearings on proposed
368 shoreland variances, special uses (conditional uses), appeals for
369 map or text interpretations and map or text amendments.
370 2. Copies of decisions on shoreland variances, special uses (special
371 exceptions), (conditional uses), appeals for map or text
372 interpretations, and map or text amendments shall be submitted to
373 the Northern Region Service Center of the DNR within ten (10)
374 days after they are granted or denied.

375 376 G. Compliance (NR 115.04)

377

The use of any land, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

H. Municipalities and State Agencies Regulated

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1) Wis. Stats., applies.

I. Abrogation and Greater Restrictions (s. 59.692(5) Wis. Stats.)

The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than s. 59.692, Wis. Stats., does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

1. (s. 59.692(2)(a), Wis. Stats.) This ordinance shall not require approval or be subject to disapproval by any town or town board.
2. (s. 59.692(2)(b), Wis. Stats.) If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
3. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
4. The following provisions of the Oneida County Zoning Ordinance are hereby incorporated by reference; these provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.

- 425 5. (s. 59.692(1d)(b), Wis. Stats.) This ordinance may establish
426 standards to regulate matters that are not regulated in NR 115,
427 but that further the purposes of shoreland zoning as described in
428 section 9.90(C) of this ordinance.
- 429 6. (s. 59.692(1k)(a)1., Wis. Stats.) Counties may not establish
430 shoreland zoning standards in a shoreland zoning ordinance that
431 requires any of the following:
- 432 a. Approval to install or maintain outdoor lighting in shorelands,
433 impose any fee or mitigation requirement to install or maintain
434 outdoor lighting in shorelands, or otherwise prohibits or
435 regulates outdoor lighting in shorelands if the lighting is
436 designed or intended for residential use.
- 437 b. Requires any inspection or upgrade of a structure before the
438 sale or other transfer of the structure may be made.
- 439 7. (s.59.692(7), Wis. Stats) The construction and maintenance of a
440 facility is considered to satisfy the requirements of a shoreland zoning
441 ordinance if:
- 442 The department has issued all required permits or approvals
443 authorizing the
444 construction or maintenance under ch. 30, 31, 281, or 283.

445
446
447 A "facility" means any property or equipment of a public utility, as defined
448 in s. 196.01 (5), or a cooperative association organized under ch. 185 for
449 the purpose of producing or furnishing heat, light, or power to its members
450 only, that is used for the transmission, delivery, or furnishing of natural
451 gas, heat, light, or power.

452
453 J. Administrative Provisions NR 115.04(4)
454

455 The shoreland ordinance adopted by each county shall require
456 all of the following:
457

- 458
- 459 1. The appointment of an administrator and such additional staff
460 as the workload may require.
- 461 2. The creation of a zoning agency as authorized by s. 59.69, Wis.
462 Stats., a board of adjustment as authorized by s. 59.694, Wis.
463 Stats., and a county planning agency as defined in s.236.02(1),
464 Wis. Stats., and required by s. 59.692(3), Wis. Stats.
- 465 3. A system of permits for all new construction, development,
466 reconstruction, structural alteration or moving of buildings and
467 structures. A copy of applications shall be required to be filed in
468 the office of the county zoning administrator, unless prohibited
469 by s. 59.692(1k), Wis. Stats.
- 470 4. Regular inspection of permitted work in progress to insure
471 conformity of the finished structures with the terms of the
472 ordinance.

- 473 5. A variance procedure which authorizes the board of adjustment to
474 grant such variance from the terms of the ordinance as will not be
475 contrary to the public interest where, owing to special conditions
476 and the adoption of the shoreland zoning ordinance, a literal
477 enforcement of the provisions of the ordinance will result in
478 unnecessary hardship as long as the granting of a variance does
479 not have the effect of granting or increasing any use of property
480 which is prohibited in that zoning district by the shoreland zoning
481 ordinance.
- 482 6. A special exception (conditional use) procedure for uses
483 presenting special problems.
- 484 7. The county shall keep a complete record of all proceedings
485 before the board of adjustment, zoning agency and planning
486 agency.
- 487 8. Written notice to the appropriate office of the Department at least
488 10 days prior to any hearing on a proposed variance, special
489 exception or conditional use permit, appeal for a map or text
490 interpretation, map or text amendment, and copies of all proposed
491 land divisions submitted to the county for review under section
492 9.93.
- 493 9. Submission to the appropriate office of the Department, within 10
494 days after grant or denial, copies of any decision on a variance,
495 special exception or conditional use permit, or appeal for a map
496 or text interpretation, and any decision to amend a map or text of
497 an ordinance.
- 498 10. Mapped zoning districts and the recording, on an official copy
499 of such map, of all district boundary amendments.
- 500 11. The establishment of appropriate penalties for violations of various
501 provisions of the ordinance, including forfeitures. Compliance with
502 the ordinance shall be enforceable by the use of injunctions to
503 prevent or abate a violation, as provided in s. 59.69 (11), Wis.
504 Stats.
- 505 12. The prosecution of violations of the shoreland ordinance.
- 506 13. Shoreland Wetland Map Amendments (NR 115.04). Every petition
507 for a shoreland- wetland map amendment filed with the county
508 clerk shall be referred to the county zoning agency. A copy of each
509 petition shall be provided to the appropriate office of the
510 Department within 5 days of the filing of the petition with the county
511 clerk. Written notice of the public hearing to be held on a proposed
512 amendment shall be provided to the appropriate office of the
513 Department at least 10 days prior to the hearing. A copy of the
514 county board's decision on each proposed amendment shall be
515 forwarded to the appropriate office of the Department within 10
516 days after the decision is issued.

517
518 9.91 SHORELAND-WETLAND ZONING (DISTRICT 11)

519
520 A. Purpose

521 This district is adopted to maintain safe and healthful conditions, to
522 prevent water pollution, to protect fish, aquatic life, fish spawning
523 grounds and wildlife habitat, to preserve shore cover and natural
524 beauty and to control building development in wetlands whenever
525 possible. When development is permitted in a wetland, the
526 development should occur in a manner that minimizes adverse impacts
527 upon the wetland.

528
529 B. Designation

530
531 This district shall include all shorelands within the jurisdiction of this
532 ordinance which are designated as wetlands on the most recent
533 version of the Wisconsin Wetland Inventory as depicted on the
534 Department of Natural Resources Surface Water Data Viewer.

535
536 C. Shoreland-Wetland District Boundaries

537
538 Where an apparent discrepancy exists between the Shoreland-
539 Wetland District boundary shown on the Wisconsin Wetland Inventory
540 maps and actual field conditions at the time the maps were adopted,
541 the Zoning Administrator shall contact the Northern Region Service
542 Center of the DNR to determine if the Shoreland-Wetland District
543 boundary, as mapped, is in error. If the DNR staff concur with the
544 Zoning Administrator that a particular area was incorrectly mapped as
545 a wetland or meets the wetland definition the Zoning Administrator
546 shall have the authority to immediately grant or deny a permit in
547 accordance with the regulations applicable to the correct zoning
548 district. In order to correct wetland mapping errors shown on the
549 Wisconsin Wetland Inventory maps, the Zoning Administrator shall be
550 responsible for initiating a shoreland-wetland map amendment within a
551 reasonable period of time.

552
553 D. Permitted Uses (NR 115.04(3))

554
555 The following uses shall be allowed, subject to general shoreland
556 zoning regulations contained in this ordinance, the provisions of chs.
557 30, 31 and 281.36, Wis. Stats. and the provisions of other applicable
558 local, state and federal laws:

559
560 1. Activities and uses which do not require the issuance of a
561 zoning permit, but which must be carried out without any filling,
562 flooded, draining, dredging, ditching, tiling or excavating
563 except as allowed under sections 9.91(D)(1, 2 and 3).

564
565 a. Hiking, fishing, trapping, hunting, swimming, and boating;

- b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
- c. The pasturing of livestock;
- d. The cultivation of agricultural crops;
- e. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
- f. The construction or maintenance of duck blinds.
2. Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
- a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
- b. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.
- c. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible.
- d. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.
- e. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
- f. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
3. Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
- a. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
- (1) The road cannot as a practical matter be located outside the wetland;

- (2) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 9.91(F)(2):
- (3) The road is designed and constructed with the minimum cross- sectional area practical to serve the intended use;
- (4) Road construction activities are carried out in the immediate area of the roadbed only.
- b. The construction or maintenance of nonresidential buildings provided that:
- (1) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
- (2) The building cannot, as a practical matter, be located outside the wetland;
- (3) Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
- (4) Only limited filling or excavating necessary to provide structural support for the building is authorized.
- c. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
- (1) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Wis. Stats., where applicable;
- (2) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section 9.91(D)(3)(a)(1-4) and;
- (3) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- d. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:

- 661 (1) The transmission and distribution facilities and railroad lines
662 cannot, as a practical matter, be located outside the
663 wetland;
664 (2) Such construction or maintenance is done in a
665 manner designed to minimize adverse impact upon
666 the natural functions of the wetland enumerated in
667 section 9.91(F)(2).
668

669 E. Prohibited Uses
670

671 Any use not listed in section 9.91(D) is prohibited, unless the wetland
672 or a portion of the wetland has been rezoned by amendment of this
673 ordinance in accordance with sec. 59.69(5)(e), Wis. Stats., Wis.
674 Admin. Code NR 115, and section 9.91(F) of this ordinance.
675

676 F. Rezoning
677

- 678 1. For all proposed text and map amendments to the Shoreland-
679 Wetland District, the Northern Region Service Center of the DNR
680 shall be provided with the following:

681 a. A copy of every petition for a text or map amendment to the
682 Shoreland-Wetland District, within five (5) days of the filing of
683 such petition with the County Clerk. Such petition shall include a
684 copy of the Wisconsin Wetland Inventory map adopted as part of
685 this ordinance describing any proposed rezoning of a shoreland-
686 wetland;

687 b. Written notice of public hearing to be held on a proposed
688 amendment, at least ten (10) days prior to such hearing.

689 c. A copy of the Committee's findings and recommendations on
690 each proposed amendment, within ten (10) days after the sub-
691 mission of those findings and recommendations to the County
692 Board; and

693 d. Written notice of the County Board's decision on the proposed
694 amendment, within ten (10) days after it is issued.
695

- 696 2. A wetland, or a portion thereof, in the Shoreland-Wetland District,
697 shall not be rezoned if the proposed rezoning may result in a
698 significant adverse impact upon any of the following:
699

700 a. Storm and flood water storage capacity;

701 b. Maintenance of dry season stream flow, the discharge of
702 groundwater to a wetland, the recharge of groundwater from a
703 wetland to another area, or the flow of groundwater through a
704 wetland;

- c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
d. Shoreline protection against soil erosion;
e. Fish spawning, breeding, nursery or feeding grounds;
f. Wildlife habitat; or
g. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site:
<http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>

3. If the DNR has notified the Committee that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in section 9.91(F)(2) of this ordinance, that amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the County Board's approval of this amendment was mailed to the DNR. During that 30 day period the Department of Natural Resources may notify the County Board that it will adopt a superseding Shoreland Ordinance for the County under sec. 59.692(6), Wis. Stats. If the Department of Natural Resources does so notify the County Board, the effect of this amendment shall be stayed until sec. 59.692(6), Wis. Stats., adoption procedure is completed and otherwise terminated."

9.92 SHORELAND-WETLAND RESTRICTIONS.

A. Purpose.

Wetlands are critical natural environmental features which provide Habitat for native animals and plants, help purify surface and subsurface waters, and add to, or help protect, the natural appearance of the Northwoods. This section provides the minimum land use restrictions determined to be essential to protect shoreland wetlands.

B. Applicability.

This section applies to all areas identified as shoreland wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water

Data Viewer. The following restrictions do not apply to public utilities and public roads. Provisions of this section do not supersede more restrictive requirements identified in section 9.91 Shoreland-Wetland Zoning District or involving structures in a floodplain zoning district.

C. Restrictions.

1. No grading or other land disturbing activities shall be permitted closer than 15 feet from the edge of a shoreland wetland. An elevated walkway may be permitted pursuant to section 9.91(D)(2)(e).
2. Grading or other land disturbing activities less than 25 feet from a shoreland wetland shall require silt fencing. Installation shall be done in accordance with the standards and specifications outlined in the Wisconsin Construction Site Best Management Practices Handbook (WDNR Pub. WR-222 1993 Revision).

9.93 LAND DIVISION REVIEW, SANITARY REGULATIONS, PLANNED UNIT DEVELOPMENT and MINIMUM LOT SIZE

A. Land Division Review (NR 115.05(2))

The county shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:

1. Hazards to the health, safety or welfare of future residents.
2. Proper relationship to adjoining areas.
3. Public access to navigable waters, as required by law.
4. Adequate stormwater drainage facilities.
5. Conformity to state law and administrative code provisions.

B. Sanitary Regulations (NR 115.05(3))

Each county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

1. Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.
2. Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal system shall, prior to July 1, 1980, be required to comply with ch. SPS Comm 383, and after June 30, 1980 be governed by a private

sewage system ordinance adopted by the county under s. 59.70(5),
Wis. Stats. and Minimum Lot Size (NR 115.05(1))

C. Planned Unit Development (pud). (NR 115.05(1)(a)4)

1. Purpose. The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.

2. Requirements for planned unit development. The county Planning and ~~Zoning~~ Development Committee may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:

(a) Area. The area proposed for the Planned Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.

(b) Lots. Any proposed lot in the Planned Unit Development that does not meet the minimum size standards of Section 9.93 (D-F) shall be a non-riparian lot.

(c) Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Unit Development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in Section 9.95 shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

(d) Back lot access (keyholing) is not permitted.

3. Procedure for Establishing A Planned Residential Unit Development District. The procedure for establishing a Planned Residential Unit Development district shall be as follows:

- (a) Petition. A petition setting forth all of the facts required in Section 9.93(C) shall be submitted to the Oneida county clerk with sufficient copies to provide for distribution by the clerk.
- (b) Review and Hearing: The petition shall be submitted to the county zoning agency established as required by s. 59.69(3)(d), Stats, which shall hold a public hearing and report to the county board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the Department as described in this ordinance.
The Planning and Zoning Department's report to the Oneida county board shall reflect the recommendations of any federal, state or local agency with which the county zoning agency consults.
- (c) Findings and Conditions of Approval. The county board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in Section 9.93(C)(2). If the petition is granted in whole or in part, the county board shall attach such written conditions to the approval as are required by and consistent with Section 9.93(C)(2). The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, dimensions of vegetative buffer zone and open space requirements.
- (d) Planning Studies. A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of Section 9.93(C)(2) or may be required to contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county or any agency or person with whom the county contracts for such work.

D. Minimum Lot Size (NR 115.05(1))

1. Purpose (NR115.05(1)(a))

Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

2. Sewered lots (NR 115.05(1)(a)1) Minimum area and width for each lot. The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width and riparian frontage width shall be 65 feet.

3. Unsewered lots (NR 115.05(1)(a)2) Minimum area and width for each lot. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width and riparian frontage width shall be 100 feet.

4. Substandard lots (NR 115.05(1)(a)3)

A legally created lot or parcel that met minimum area and

888 minimum average width requirements when created, but does
889 not meet current lot size requirements, may be used as a
890 building site if all of the following apply:
891 a. The substandard lot or parcel was never reconfigured or
892 combined with another lot or parcel by plat, survey, or
893 consolidation by the owner into one property tax parcel.
894 b. The substandard lot or parcel has never been developed with one
895 or more of its structures placed partly upon an adjacent lot or
896 parcel.
897 c. The substandard lot or parcel is developed to comply with all
898 other ordinance requirements.
899 5. Other substandard lots
900 Except for lots which meet the requirements of section
901 9.93(D)(4) a building permit for the improvement of a lot
902 having lesser dimensions than those stated in sections
903 9.93(D)(2) and (3) shall be issued only if a variance is
904 granted by the board of adjustment.
905
906

907 E. Minimum Buildable Area Criteria
908

- 909 1. Each lot shall have the minimum lot area per Section 9.93(D)(2) and
910 (3).
911 2. Minimum lot area shall be measured from the OHWM landward.
912 3. Any portion of a lot having a width of less than 30' shall not be
913 considered in determining the minimum lot area.
914 4. Except for utility easements, any other easement or combination of
915 adjacent easements which are greater than 20' in width shall not be
916 used in determining the minimum lot area unless approved by the
917 Department.
918 5. Except for utility easements, that portion of a lot that exceeds the
919 minimum area requirements of Minimum Buildable Area Criteria
920 shall not be divided by easements unless approved by the
921 Department.
922 6. Square footage of the minimum buildable area shall:
923 a. Not contain any shoreland-wetlands or beds of navigable waters
924 b. Is above the elevation of the regional flood as defined in Wis.
925 Admin. Code NR 116.
926 c. Is at least 2' above the highest known water elevation of any
927 body of water whose regional flood is undefined.
928 d. Must have dryland access to a public or private road.
929
930

931 F. Minimum Riparian Frontage and Average Lot Width
932

- 933 1. Each lot shall have the minimum riparian frontage width (RFW) and
934 average lot width (ALW) per Section 9.93(D)(2) and (3).
935 2. The minimum required riparian frontage width shall be measured
936 the lesser of a straight line connecting points where the side lot
937 lines intersect the OHWM or as the length of a chord which is
938 perpendicular to a side lot where it intersects the OHWM and
939 terminates at the opposite side lot line.
940 3. The minimum average lot width shall apply to the area covered by
941 the minimum lot area. The width shall be calculated by averaging
942 the measurements at the following locations:
943 a) The ordinary high water mark.
944 b) The building setback line (75ft from the
945 OHWM).
946 c) The rear lot line or 200ft of the OHWM, whichever is
947 closest.
948
949 4. Non Riparian ALW - The average horizontal straight line
950 measurement between side lot lines of a lot from any given point within
951 the lot area to be computed. The minimum average lot width (ALW)
952 shall apply to the area covered by the portion of the lot containing the
953 buildable area for the district and land use that applies. If the districts
954 average width dimensions are maintained from the point(s) at which
955 the lot's minimum area requirement has been satisfied; no additional
956 area of a particular lot in question need meet the minimum average
957 width requirement.

958
959 G. Riparian Access

960
961 Keyhole development as defined in this ordinance is prohibited.
962

963 9.94 SHORELAND SETBACKS, EXEMPT STRUCTURES, REDUCED
964 PRINCIPAL STRUCTURE SETBACKS, FLOODPLAIN STRUCTURES,
965 IMPERVIOUS SURFACES AND HEIGHT
966

967 Unless exempt under Section 9.94(A), or reduced under Section 9.94(C),
968 a setback of 75 feet from the ordinary high-water mark of any navigable
969 waters to the nearest part of a building or structure shall be required for all
970 buildings and structures.
971

- 972 A. Exempt Structures (NR 115.05(1)(b)1m.) and s59.692(1k)(a)(6),
973 Wis. Stats. All of the following structures are exempt from the
974 shoreland setback standards in section 9.94. Any structure not
975 specifically mentioned under Section 9.94(A)(1-7) below is not
976 permitted.
977

- 978 1. Boathouse. A riparian owner may construct a boathouse subject to
979 the following restrictions:

(a) The construction or placement of boathouses below the ordinary high water mark of any navigable waters shall be prohibited.

(b) The construction of a boathouse is confined to the viewing area and shall be at least 10 feet from the side yard lot line. With the exception of 9.94(A) (1) (k) below, boathouses shall be designed and constructed solely for the storage of boats and related equipment. Patio doors, fireplaces, plumbing, living facilities and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.

(c) One boathouse is permitted on a lot as an accessory structure.

(d) Any boathouse which may be permitted within the setback area shall be of one story only. The basement definition does not apply to a boathouse and therefore constitutes a story. The sidewalls of a boathouse shall not exceed 12 feet in height and shall not be less than 7 feet in height as measured from the top of wall to the floor.

(e) Boathouse construction is subject to the requirements of Section 9.97.

(f) Boathouses shall be constructed in conformity with local floodplain zoning standards.

(g) The maximum width and footprint of a new boathouse parallel to the OHWM shall not exceed the following: (overhang and eaves are not included in the maximum width or footprint and shall not exceed two feet).

(1) For lakes less than 500 acres, rivers and streams the maximum width of a new boathouse shall not exceed 14 feet or a maximum footprint of 336sf.

(2) For lakes of 500 acres or more, Flowages and Chains the maximum width of a new boathouse shall not exceed 24 feet or a maximum footprint of 720 square feet.

Note: Lake size based on Land Information Data.

(h) Flat roofs that shed water away from the OHWM are permitted.

(i) The roof of a boathouse may be used as a deck provided that:

(1) The boathouse has a flat roof.

(2) The roof has no side walls or screens.

(3) The roof may have a railing that meets the State of Wisconsin Uniform Dwelling Code.

(j) The number of berths within a boathouse shall be subject to the provisions of section 9.98(D).

(k) The placement of decking on top of a flat roof boathouse is not permitted.

(l) Stairs placed on the exterior side of a boathouse to gain access to a flat roof are not permitted. Concrete aprons/boat launch pads placed between the boathouse and OHWM are not permitted.

1025 (m) Boathouse construction must comply with the provisions of
1026 Section 9.97.

1027 (n) Onsite inspections may be required prior to excavation, during
1028 construction and upon completion for the placement all boathouses.

- 1029 2. Open sided and screened structures such as gazebos, decks,
1030 patios and screen houses in the shoreland setback area that
1031 satisfy the requirements in s. 59.692(1v), Wis. Stats.
1032 a. The part of the structure that is nearest to the water is
1033 located at least 35 feet landward from the ordinary-high
1034 water mark.
1035 b. The floor area of all the structures in the shoreland setback
1036 area will not exceed 200 square feet. In calculating this square
1037 footage, boathouses shall be excluded. The square footage of
1038 stairways, walkways, and lifts that are determined to be necessary
1039 by the Department to provide pedestrian access to a berth
1040 structure or shoreline because of steep slopes, or rocky, wet, or
1041 unstable soils, are not included in calculating the total floor area.
1042 c. The structure that is the subject of the request for special
1043 zoning permission has no sides or has open or screened sides.
1044 d. The county must approve a plan that will be implemented by the
1045 owner of the property to preserve or establish a vegetative
1046 buffer zone that covers at least 70% of the half of the shoreland
1047 setback area that is nearest to the water.
1048 e. An enforceable affidavit must be filed with the register of deeds
1049 prior to construction acknowledging the limitations on
1050 vegetation.

- 1051
1052 3. Broadcast signal receivers, including satellite dishes or antennas
1053 that are one meter or less in diameter and satellite earth station
1054 antennas that are 2 meters or less in diameter.

- 1055
1056 4. Utility transmission and distribution lines, poles, towers, water
1057 towers, pumping stations, well pumphouse covers, private on-
1058 site wastewater treatment systems that comply with ch. SPS
1059 Comm 383 and other utility structures that have no feasible
1060 alternative location outside of the minimum setback and that
1061 employ best management practices to infiltrate or otherwise
1062 control storm water runoff from the structure.

- 1063
1064 5. Walkways, stairways or rail systems that are necessary to provide
1065 pedestrian access to the shoreline and are a maximum of 60-
1066 inches in width.

- 1067
1068 6. Devices or systems used to treat runoff from impervious surfaces.
1069

1070 AA. Relaxation of standards for persons with disabilities

The Zoning Director may issue a permit to relax dimensional standards of this ordinance in order to provide reasonable accommodation of persons with disabilities as required by provisions of federal and state law. Such relaxation shall be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer in use by a disabled person. A person applying for a permit for construction under this section shall establish:

1. That the facility or premises are routinely used by a disabled person;
2. The nature and extent of the disability; and
3. That the relaxation requested is the minimum necessary to provide reasonable use of the facility by the disabled person.

B. Existing Exempt Structures. (s.59.692(1k)(a)2m, Wis. Stats) Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Oneida County may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)2m, Wis. Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 9.94(B). However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even storm water erosion control.

C. Reduced Principal Structure Setback. (s.59.692(1n), Wis. Stats) A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

(1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:

- (a) Both of the existing principal structures are located on adjacent lot to the proposed principal structure.

- 1116 (b) Both of the existing principal structures are located
1117 within 250' of the proposed principal structure and are the
1118 closest structure.
1119 (c) Both of the existing principal structures are located
1120 less than 75' from the ordinary high water mark.
1121 (d) The average setback shall not be reduced to less
1122 than 35' from the ordinary high water mark of any navigable
1123 water.
1124 (e) Principal Structures permitted a reduced setback are
1125 not permitted future expansion pursuant to Section 9.99(C).
1126

1127 Note: s. 59.692(1d)(a), Wis. Stats, requires counties to adopt the
1128 standards consistent with section 9.94(C)(1) for reducing the
1129 shoreland setback.
1130

1131 (2) Where there is an existing principal structure in only one
1132 direction, the setback shall equal the distance the existing principal
1133 structure is set back from the ordinary high water mark and the
1134 required setback of 75' from the ordinary high water mark provided
1135 all of the following are met:

- 1136 (a) The existing principal structure is located on adjacent
1137 lot to the proposed principal structure.
1138 (b) The existing principal structure is located within 250'
1139 of the proposed principal structure and is the closest
1140 structure.
1141 (c) The existing principal structure is located less than 75'
1142 from the ordinary high water mark.
1143 (d) The average setback shall not be reduced to less
1144 than 35' from the ordinary high water mark of any navigable
1145 water.
1146 (e) Principal Structures permitted a reduced setback are
1147 not permitted future expansion pursuant to Section
1148 9.99(C).
1149

1150 D. Improvements

1151

1152 Any of the improvements referred to in section 9.94(A), and any
1153 stairway, walkway or lift which are essential to provide riparian access
1154 to the shoreline and which are a necessary extension of a pier, shall
1155 require a shoreland alteration permit if located in, on or over steep
1156 slopes, or rocky, saturated or unstable soils. The shoreland alteration
1157 permit shall be subject to the following minimum requirements and to
1158 such other requirements as the County may determine are necessary
1159 in order to maintain or improve the natural beauty and environmental
1160 stability of the setback area and the adjacent navigable waters:
1161

1. The cutting of trees and shrubbery shall be subject to, and in the aggregate shall not exceed, the restrictions of section 9.95 of this ordinance and Wis. Admin. Code NR 115.05(3)(c). Whenever and wherever practicable, if a viewing area has been created by the cutting of trees and shrubbery, all buildings and structures which may be permitted in the setback area, shall be located within such viewing area(s).
2. Environmentally sensitive areas are to be avoided.
3. Native ground cover which stabilizes slopes or screens the improvement from view shall be maintained or, where determined necessary, planted and maintained.
4. Any filling, grading or excavation shall comply with the shoreland alteration permit requirements of this ordinance.
5. Either one stairway or one lift, which otherwise meets the terms and conditions of this ordinance, may be allowed, but not both.
6. Landscaped stairways at grade (not to exceed one foot below the existing grade) are permitted.
7. Walkways and lifts shall be supported on pilings or footings.
8. If necessary for safety purposes, landings not exceeding five feet in width, including those required for purposes of access to stairways and lifts, are permitted. Open railings on walkways, and open grill work on lifts are permitted. Benches, seats and tables on walkways are prohibited.
9. A maximum width of five (5) feet is allowed for stairways, and walkways.
10. Unless otherwise permitted in this ordinance, canopies, roofs and side walls are prohibited.

E. Floodplain Structures (NR115.05(1)(b)((2)) Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

F. Impervious Surface Standards (NR 115.05(1)(e))

1. Purpose. Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.
2. Calculation of Percentage of Impervious Surface. (NR 115.05(1)(e)((1)) Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that

is within 300 feet of the ordinary high- water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in section 9.94(F)(5) shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

Note: NR 115.05(1)(e)1m. clarifies that if an outlot lies between the OHWM and the developed lot or parcel and both are in common ownership, then the lot or parcel should be considered one property for the purposes of calculating the percentage of impervious surfaces. If there is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility or a town or county, then the county should determine what level of control the property owner has over that portion of the lot. Can the property owner place structures, such as shoreline protection, piers, stairs, boathouses etc... on that portion of the lot or does some other entity have control over development? If a property owner has no or little say over construction on that portion of the lot then impervious surfaces on that portion of the lot should be calculated separately.

For properties subject to the Condominium form of ownership, the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. It will be important to remember also that mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

3. General Impervious Surface Standard. (NR 115.05(1)(e)((2))
Except as allowed in sections 9.94(F)(4, 5 and 6) allow up to 15%
impervious surface on the portion of a lot or parcel that is within
300 feet of the ordinary high-water mark.

4. Maximum Impervious Surface. (NR 115.05(1)(e)((3)) A property
may exceed the impervious surface standard under section
9.94(F)(3 and 4) provided the following standards are met:

a. For properties where the general impervious surface standard
applies under section 9.94(F)(3), a property owner may have
more than 15% impervious surface but not more than 30%
impervious surface on the portion of a lot or parcel that is within
300 feet of the ordinary high-water mark.

b. For properties that exceed the standard under section 9.94(F)(3) but do not exceed the maximum standard under sections 9.94(F)(4)(a), a permit can be issued for development with a mitigation plan that meets the standards found in section 9.96.

5. Treated Impervious Surfaces (NR115.05(1)(e)3m. and s.59.692(1k)(a)1.e.) Wis.Stats. Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under section 9.94(F)(2).

a. The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.

b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

Note: The provisions in section 9.94(F)(5) are an exemption from the impervious surface standards and as such should be read construed narrowly. As such, a property owner is entitled to this exemption only when the runoff from the impervious surface is being treated by a sufficient (appropriately sized) treatment system, treatment device or internally drained. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with section 9.94(F)(5) will be considered pervious for the purposes of implementing the impervious surface standards in this ordinance. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt under section 9.94(F)(5).

c. To qualify for the statutory exemption, property owners shall submit a complete permit application that is reviewed and approved by the county. The application shall include the following:

1. Calculations showing how much runoff is coming from the impervious surface area.
2. Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
3. An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment

1303 system, treatment devices or internally drained area. The
1304 enforceable obligations shall be evidenced by an instrument
1305 recorded in the office of the Register of Deeds prior to the
1306 issuance of the permit.
1307

1308 6. Existing Impervious Surfaces. (NR 115.05(1)(e)(4)) For existing
1309 impervious surfaces that were lawfully placed when constructed
1310 but that do not comply with the impervious surface standard in
1311 section 9.94(F)(3) or the maximum impervious surface standard
1312 in section 9.94(F)(4) the property owner may do any of the
1313 following:
1314

- 1315 a. maintain and repair the existing impervious surfaces;
1316 b. replace existing impervious surfaces with similar surfaces
1317 within the existing building envelope;
1318 c. relocate or modify an existing impervious surface with similar
1319 or different impervious surface, provided that the relocation
1320 or modification does not result in an increase in the
1321 percentage of impervious surface that existed on the
1322 effective date of the county shoreland ordinance, and the
1323 impervious surface meets the applicable setback
1324 requirements in Section 9.94.
1325

1326 Note: The impervious surface standards in this ordinance
1327 shall not be construed to supersede other provisions in the
1328 county shoreland ordinance. All of the provisions of the county
1329 shoreland ordinance still apply to new or existing
1330 development.
1331

1332 G. Height. (NR 115.05(1)(f)) To protect and preserve wildlife habitat and
1333 natural scenic beauty a county may not permit any construction that result
1334 in a structure taller than 35 feet within 75 feet of the ordinary high-water
1335 mark of any navigable waters. Structure height is the measurement of the
1336 vertical line segment starting at the lowest point of any exposed wall and
1337 it's intersect with the ground to a line horizontal to the highest point of a
1338 structure, unless specified under other sections of this code (see
1339 appendix).
1340

1341
1342 9.95 VEGETATION (NR 115.05(1)(c))
1343

A. Purpose. (NR 115.05(1)(c)((1)) To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following: The county shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients. Filling, grading and excavating within the Vegetative Buffer Zone is prohibited with the exception of construction of a boathouse, walkway or planting vegetation.

B. Activities allowed within the Vegetative Buffer Zone. (NR 15.05(1)(c)((2))To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:

1. The county may allow routine maintenance of vegetation.
2. The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per s. 59.692(1f)(b), Wis. Stats. The viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the for the entire maximum width or shoreline frontage owned.
3. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in s. NR 1.25 (2) (b), and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR- 226), provided that vegetation removal be consistent with these practices.
4. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
5. The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall

1390 require an enforceable restriction to preserve the newly
1391 restored area.

- 1392 6. Shoreline protection activities authorized by a state permit
1393 and erosion control measures approved by the County Land
1394 Conservation Department which are designed to remedy
1395 significant existing erosion problems.

1396
1397 9.96 SHORELAND MITIGATION PLAN
1398

1399 Mitigation (s. 59.692(1v), Wis. Stats, NR 115.05 (1)(e)3., (g)5., (g)6.) When
1400 the county issues a permit requiring mitigation under sections 9.94(A)(2),
1401 9.94(F)(4)(b) and 9.99(C and E), the property owner must submit a
1402 complete permit application that is reviewed and approved by the county.
1403 The application shall include the following:
1404

1405 A. A site plan that describes the proposed mitigation measures

- 1406 1. The site plan shall be designed and implemented to restore
1407 natural functions lost through development and human
1408 activities

- 1409 2. The mitigation measures shall be proportional in scope to the
1410 impacts on water quality, near-shore aquatic habitat, upland
1411 wildlife habitat and natural scenic beauty.
1412

1413 B. An implementation schedule and enforceable obligation on the
1414 property owner to establish and maintain the mitigation measures.
1415 The enforceable obligations shall be evidenced by an instrument
1416 recorded in the office of the Register of Deeds.
1417

1418 C. Mitigation options meeting the requirements of Section 9.94(A)(2)
1419 "Open sided and screened structures," shall preserve and/or establish
1420 a 37.5 feet vegetative buffer zone. A buffer zone at least 37.5 feet
1421 from, and parallel to the ordinary high water mark shall be planted or
1422 restored and maintained with vegetation native to the area to the fullest
1423 practicable extent possible.
1424

1425 D. Mitigation options meeting the requirements of Section 9.99(C) and
1426 (E). Up to 200sf lateral expansion or relocation of a nonconforming
1427 principal structure located 35ft to 75ft from the OHWM:
1428

1429 The property owner shall choose and implement 2 of the following to
1430 meet the mitigation requirements under 9.99(C) and 3 of the following
1431 to meet the mitigation requirements under 9.99(E):
1432

- 1433 1. Removal of an accessory structure located less than 75ft from the
1434 OHWM.

2. Installation of a rain garden.
3. Installation of one of the impervious surface treatment options under 9.96(E).
4. Removal of an existing beach.
5. Increase depth of 35ft vegetative buffer to 50ft. (active or passive restoration).
6. Reduce view corridor width to 25% of the of the shoreline frontage.
7. Establish a buffer zone at least ten feet (10') wide extending along each side lot line for a depth of at least seventy-five feet (75') from the ordinary high water mark. Buffers shall be planted or restored and maintained with vegetation native to the area to the fullest practicable extent possible.
8. POWTS. The associated private onsite wastewater treatment system must be evaluated and upgraded as appropriate in compliance with SPS 383, Wis. Administrative Code. (Note: If the system was evaluated within 3 years and maintenance is up to date a new evaluation will not be required.)
9. Establish a buffer zone at least 35 feet from, and parallel to the ordinary high water mark. The buffer shall be planted or restored and maintained with vegetation native to the area to the fullest practicable extent possible.

E. Mitigation options for properties exceeding the impervious surface requirements of Section 9.94(F)(4). Development that exceeds 15% impervious surface but not more than 30% impervious surface shall be required to utilize one of the following treatment systems in order to offset the impacts of the impervious surface being permitted.

1. Buffer strips
2. Constructed wetlands
3. Depressed pervious area
4. Extended detention ponds
5. Infiltration basins
6. Infiltration trenches
7. Infiltration tubes
8. Rain gardens
9. Rain harvesting systems
10. Vegetated filter strips
11. Vegetated swales/grassed channels
12. Wet detention ponds
13. Wet retention ponds

1477 9.97 SHOREYARD ALTERATION PERMITS AND FILLING, GRADING,
1478 LAGOONING, DREDGING, DITCHING AND EXCAVATING
1479 (NR115.05(1)(d)) Filling, grading, lagooning, dredging, ditching and
1480 excavating may be permitted only in accordance with the provisions of s.
1481 NR 115.04, the requirements of ch. 30, Wis. Stats., and other state and
1482 federal laws where applicable, and only if done in a manner designed to
1483 minimize erosion, sedimentation and impairment of fish and wildlife habitat
1484 and natural scenic beauty.

1485
1486 A. Shoreyard Alteration Permit Required
1487

1488 As specified in this section, a shoreyard alteration permit is
1489 required for the filling, grading, lagooning, dredging, ditching
1490 or excavation of a shoreyard except in the Shoreland-
1491 Wetland District (District 11) when done in association with
1492 the activities specified in sections 9.91(D)(2). Filling, grading
1493 and excavating within the Vegetative Buffer Zone is
1494 prohibited with the exception of construction of a boathouse,
1495 walkway or planting vegetation. Onsite inspections may be
1496 required prior to excavation, during construction and upon
1497 completion. Shoreline protection activities authorized by a
1498 state permit and erosion control measures approved by the
1499 County Land Conservation Department which are designed
1500 to remedy significant existing erosion problems are permitted
1501 without a Shoreland Alteration Permit.
1502

1503 B. Application
1504

1505 An application for a shoreyard alteration permit shall be filed
1506 with the Department on a form approved by the Committee
1507 and available from the Department. Completed applications
1508 shall be accompanied by the application fee, as determined
1509 by the County Board from time to time. Any state or federal
1510 permits required for a project shall be filed with the
1511 application. No application will be considered complete until
1512 these permits are filed.
1513

1514 C. Permit Review Procedure
1515

1516 1. Permit from Zoning Administrator
1517

1518 The Zoning Administrator has the authority to act on applications
1519 in the instances set forth below. The Zoning Administrator shall
1520 act on an application within 30 working days of the completed
1521 application being filed.
1522

1523 (a) Alterations for the placement of structures, pursuant to
1524 9.94(A), and walkways if located in, on or over steep slopes or
1525 rocks, saturated or unstable soils.

1526 (b) Alterations greater than 200 square feet but less than 10,000
1527 square feet of the shoreyard that slope towards the ordinary
1528 high water mark of a navigable water body, when the slope is
1529 between 12% to 45%.

1530 (c) Alterations of more than 10,000 square feet of the shoreyard
1531 when the slope of the shoreyard is less than 45%.

1532 (d) Alterations of the Shoreyard when the slope is greater than
1533 45% is prohibited.

1534 1535 2. Engineering or Architectural Plans

1536
1537 In the following circumstances, when a Shoreyard Alteration
1538 Permit is required, the applicant shall file plans created by a
1539 registered professional engineer or landscape architect
1540 describing erosion control measures to be utilized during
1541 construction excavation. The registered professional engineer
1542 or landscape architect shall certify that the erosion control
1543 measures specified in the permit and plans have been properly
1544 installed prior to the start of any construction excavation
1545 activities:

1546
1547 (a) Alterations less than 35ft from the OHWM of a navigable
1548 water body when the slope is between 12% to 45%.

1549 (b) Alterations greater than 35ft but less than 75ft from the
1550 OHWM that slope towards the ordinary high water mark of a
1551 navigable water body, when the slope is between 25% to 45%.

1552 (c) Alterations of more than 10,000 square feet of the shoreyard
1553 where the project is for the construction of anything other than a
1554 single family dwelling.

1555 (d) The Zoning Director upon review of a completed shoreyard
1556 alteration permit may waive the registered professional engineer
1557 or landscape architect plan requirement and as a substitute
1558 require special restrictions and conditions to ensure proper
1559 erosion control measures will be implemented before, during
1560 and after construction excavation.

1561 1562 D. Inspections

1563
1564 1. An inspection of the site by the Department may be performed prior
1565 to the issuance of any shoreyard alteration permit.

1566 2. A second on-site inspection may be performed by the Department
1567 to ensure proper fencing and erosion control measures after the
1568 permit is issued but prior to any construction excavation.

- 1569 3. An on-site inspection may be performed by Department during
1570 construction and upon completion to ensure that the project
1571 complies with this ordinance.
1572

1573 E. Permit Conditions
1574

1575 In granting a shoreyard alteration permit, the Committee, or the Zoning
1576 Administrator, shall require that the applicant comply with the following
1577 conditions where appropriate:
1578

- 1579 1. The smallest amount of bare ground shall be exposed for as short a
1580 time as feasible.
1581 2. Temporary ground cover (such as mulch) shall be used and
1582 permanent cover (such as sod) shall be planted.
1583 3. Diversion, silting basin, terraces and other methods shall be used to
1584 trap sediment.
1585 4. Lagooning shall be conducted in such a manner as to avoid creation
1586 of fish trap conditions.
1587 5. Fill shall be stabilized according to accepted engineering standards.
1588 6. Fill shall not restrict a floodway or destroy the storage capacity of a
1589 floodplain.
1590 7. Sides of a channel or artificial watercourses shall be stabilized to
1591 prevent slumping.
1592 8. Sides of channels or artificial watercourses shall be constructed with
1593 slopes (side) of two units horizontal distance to one unit vertical or
1594 flatter, unless bulkheads or rip-rapping are provided.
1595 9. Any specific landscaping, construction, planting, or erosion control
1596 conditions.
1597 10. Fill materials shall not be deposited in any floodplain, wetland, or
1598 outside the designated and fenced construction without proper
1599 written authorization.
1600 11. Post-construction runoff shall be infiltrated or temporarily stored to
1601 prevent erosion and sediment transport.
1602 12. Upland slopes and artificial watercourses shall be stabilized
1603 according to accepted engineering standards.
1604 13. Any other conditions intended to protect shorelines and minimize
1605 erosion, sedimentation, and the impairment of fish and wildlife
1606 habitat.
1607 14. Onsite inspections ^{may be} ~~maybe~~ required prior to excavation, during
1608 construction and upon completion for Alterations greater than 200
1609 square feet but less than 10,000 square feet located within 75ft of
1610 the OHWM that slope towards the ordinary high water mark of a
1611 navigable water body, when the slope is between 12% to 45%.
1612

1613 F. Stormwater Runoff/Soil Disturbance.
1614

The placement of structures, the development of property, filling grading, lagooning, dredging, ditching or excavation of the shoreyard cannot result in the diversion of water onto adjoining properties. All storm water must be contained within the boundaries of a lot or parcel, with the exception of runoff directed to private easement roads, public roads or highways. If storm water runoff cannot be contained on the property, it may be directed towards a town road or highway upon receipt of a written statement from the government entity that has jurisdiction over such road, stating that it has no objection. This provision applies to both on-water and off-water lots within all shoreland zoning districts.

9.98 PIERS and OTHER BERTH STRUCTURES.

A. Purpose

Near shorelands and waters and land within statutorily established setback distances from the OHWM provide natural beauty and are biologically the most productive and the most important for recreational use. Excessive or inappropriate construction of berthing and recreation structures in Oneida County's waterways may have a substantial cumulative adverse effect on public rights and interests in those waters. These requirements are intended to minimize the adverse effects of such construction and to reduce conflict between adjacent or nearby riparian owners by separating their respective uses of the water. A pier shall not unreasonably obstruct navigation or otherwise interfere with public rights in the navigable water and shall not interfere with the rights of other riparian owners. It is recognized that berth structures may be used by people with or without boats, for swimming and fishing and may be used for general recreation. This ordinance does not regulate the placement or use of mooring buoys other than to count them in any determination of the maximum number of berths allowed to a riparian land owner pursuant to section 9.98(D).

B. Compliance

1. A berth structure which existed prior to April 17, 2012 may be maintained in its present location and configuration as a permissible pre-existing berth structure subject to the requirements of Section 9.99 of this ordinance. The annual seasonal removal of the berth structure does not affect its status as a permissible pre-existing berth structure.
2. Subject to the conditions and restrictions of any existing State or County permit, a marina which existed prior to April 17, 2012 may be maintained in its present location and configuration as a permissible marina to the extent that it is located and used in accordance with such permit.

- 1661 3. Any increase in the number of berths, any change in the location of,
1662 or any increase in the dimensions of, or any replacement of an
1663 existing berth structure shall be in accordance with this section.
1664 Boathouses are not subject to the dimensional restrictions of this
1665 section.
1666

1667 C. Berth Structures Limited (#83-2003)
1668

- 1669 1. Berth structures, except boathouses and boat shelters, may be
1670 placed by a riparian property owner without County permits if the
1671 construction complies with this section.
1672 2. The use of the property must remain in conformity with the
1673 permissible uses enumerated within the zoning district.
1674 3. Decks, platforms and other construction not essential for berthing of
1675 boats are prohibited, except that a canopy is permitted over a boat
1676 hoist or boat lift and a roof is permitted over a boat shelter or
1677 boathouse
1678 4. A wharf shall only be permitted as an authorized berth structure
1679 upon the application for and issuance of a zoning permit after the
1680 following conditions have been established by the applicant:
1681 a. That the wharf will not unreasonably obstruct navigation or
1682 otherwise interfere with public rights in the navigable water.
1683 b. That the wharf does not interfere with the rights of other riparian
1684 owners.
1685 c. That the construction or installation of a pier is not a practicable
1686 alternative.
1687

1688 D. Number of Berths
1689

- 1690 1. For each lot, the total number of berths or moorings at a berth
1691 structure is limited to two for the first full 50 feet of shoreline and
1692 one berth for each additional full 50 feet. Other factors such as
1693 those referenced in section 9.98(E), below, may limit construction
1694 and placement to a lesser number. Contiguous lots in common
1695 ownership shall be considered a single lot for the purposes of this
1696 section.
1697 2. The maximum number of berths that may be permitted for a marina
1698 shall be two times the number of berths that would otherwise be
1699 permitted under section 9.98(D)(1), subject to the same factors as
1700 those referenced in section 9.98(E), which may limit construction
1701 and placement to a lesser number. Compliance with this section
1702 shall be subject to section 9.98(B)(3).
1703 3. For the purpose of this section, riparian shoreline frontage shall be
1704 determined pursuant to the provisions of Wis. Admin. Code NR
1705 326.07.
1706

E. Location of Berth Structures

1. Berth structures and moored boats must be confined to the owner's riparian zone as described in Wis. Admin. Code NR 326. Berth structures must be set back a minimum of 10 feet from side lot lines extended waterward and any additional distance required to confine approach and docking of the boat to the owner's riparian zone.
2. A berth structure may not unreasonably obstruct navigation or otherwise interfere with public rights in navigable waters. A pier may not encircle or isolate part of a waterway and may not interfere with the rights of other riparian owners.
3. Berth structures and their use may not damage public interest in waterways, including but not limited to, ecologically significant areas, i.e. spawning areas, important vegetation, loon or other waterfowl nesting areas, natural shoreline beauty.
4. Berth structures shall be consolidated as close together as practicable at a single location for each lot. Located within the view corridor, for each lot.
5. Berth structures, where practicable, shall be located immediately waterward from the shoreline where any boathouse or boat shelter is located.
6. The number of piers allowed accrues proportionately to the amount of shoreland frontage owned: one pier is permitted for riparian owners owning less than 150 feet of shoreland frontage. One additional pier is permitted for each additional full 100 feet. Multiple piers shall be consolidated as close together as practicable for each lot.

F. Dimensional Requirements (#83-2003)

1. Length
 - a. Unless limited by a pierhead line, as authorized by sec. 30.13, Wis. Stats., pier length is limited to:
 - (1) distance to three (3) foot water depth.
 - (2) length of boat to be berthed.
 - (3) depth required by boat to be berthed.
2. Width. The deck width of a pier, including "T" or "L" or similar finger extensions, may not exceed six (6) feet. Pursuant to Section 9.19, Relaxation of Standards for Persons with Disabilities, a deck width of up to eight (8) feet may be permitted because of the handicap of a frequent user.
3. Lateral extensions. Any lateral extensions on piers shall be a "T" or "L" shape and must not exceed 20 feet in total width.

1751 G. Regulation of Lighting

1752
1753 The purpose of this section is to minimize light pollution of the
1754 shoreland environment without significantly inhibiting safety and
1755 security. This section applies to all lighting on berthing structures or
1756 designed to illuminate those structures and associated berths. Light
1757 fixtures which do not conform to these provisions may be allowed with
1758 a conditional use permit upon a showing of special circumstances
1759 affecting safety, security, or general public interest. *Legal pre-existing*
1760 *lighting in existence on the effective date of this section must be*
1761 *brought into compliance within five (5) years.*
1762

- 1763 1. Flashing and rotating lights are prohibited.
1764 2. Lighting inside a boathouse and intended to illuminate its interior is
1765 permitted.
1766 3. Lighting on exteriors of berthing structures shall be fitted with
1767 opaque shades or shields to prevent direct visibility of the lamp to
1768 persons on public waters or adjacent lands more than 50 feet
1769 beyond the berthing structure.
1770 4. Lighting not mounted on a berthing structure but designed to
1771 illuminate a berthing structure or its immediate vicinity shall comply
1772 with subparagraph 3 above.
1773 5. Lighting installed on, or intended to illuminate, seasonally used
1774 berthing structures shall be turned off when not required for safety
1775 or security.
1776 6. Public marinas may install illuminated signs with opaque shaded or
1777 shielded lighting that provide information pertaining to applicable
1778 federal, state or municipal rules and regulations relating to
1779 electrical, fueling, waste and sewage disposal or other safety and
1780 environmental matters. Such sign illumination shall not be visible
1781 from off the berth structure.
1782

1783 H. Accessory Construction

1784
1785 A pier may include only the following accessory construction:

- 1786 1. Fuel or sewage handling equipment if applicable state and local
1787 safety and pollution prevention rules are complied with and
1788 necessary State and/or County permits are obtained.
1789 2. Up to two (2) benches that are 6 feet or less in length or two (2)
1790 swivel seats, or one bench 6 feet or less and one swivel seat.
1791 3. Flag pole.
1792 4. A vertical boarding ladder or near vertical water stairs with handrails
1793 not to exceed four (4) feet in width.
1794 5. An open railing may be permitted pursuant to Section 9.19
1795 Relaxation of Standards for Persons with Disabilities.
1796 6. Bumpers to protect watercraft and pier from damage.

1797
1798 I. Pier Construction Materials
1799

1800 Piers may be constructed of wood, treated wood, metal or other
1801 material, subject to the following:

- 1802 1. They shall be free of any product residue or pollutants.
1803 2. Metallic flotation devices shall be coated or painted to prevent
1804 corrosion.
1805 3. They shall not include any container previously used to store
1806 hazardous substances as defined in sec. 144.01, Wis. Stats
1807 4. They shall not include material that may readily fragment or break
1808 up, such as unprotected polystyrene or polyurethane floats.
1809 5. Flotation devices shall be securely attached to the frame and
1810 maintained in serviceable condition at all times.

1811
1812 J. Marina Permit Guidelines
1813

1814 Granting of permits for marina facilities under this section shall be
1815 guided by the following principles:

- 1816 1. The County has an obligation to protect public water resources and
1817 public safety by regulating construction of berth structures for
1818 boats.
1819 2. The County encourages public access to navigable water
1820 consistent with its obligation to prevent degradation of water
1821 resources by overuse.
1822 3. The uncontrolled drainage of developed riparian land has a
1823 significant adverse impact upon the health, safety, and welfare of
1824 the County by increasing the siltation and pollution of ground and
1825 surface water, by accelerating the eutrophication of receiving
1826 waters, by diminishing groundwater recharge and by increasing the
1827 incidence and severity of flooding.
1828 4. The right to place berths, berth structures or on-site storage
1829 facilities for boats accrues in proportion to the amount of shoreline
1830 owned as described in section 9.98(D). Any such berth or storage
1831 facility in excess of the number permitted pursuant to section
1832 9.98(D), shall be authorized only for the purpose of serving the
1833 public's interests and rights in the navigable waterways of this
1834 County. Such berths or on-site storage facilities must be available
1835 to members of the public on a first come - first served basis.
1836 Rentals or leases for the exclusive use of any such berths shall not
1837 be permitted for periods in excess of one year.
1838

K. Marina Facilities

1. Any pier, boat shelter or mooring placement which exceeds the requirements of section 9.98(D) is deemed a marina facility for the purposes of meeting the requirements of this section and shall require a conditional use permit which may only be issued after a duly noticed public hearing has been held. Such permits may only be approved for lots which are located in zoning districts which allow marinas, or if the facility is owned by the federal, state or a municipal government.
2. In making a determination of whether a site is appropriate for a marina, the type of information contained in a CUP application may be considered as well as the impact of a marina on neighboring land or public facilities and of the public need for a marina. The following additional criteria must be addressed:
 - a. Existing land and water uses within 2 mile of the marina, including all current business uses of the property.
 - b. Current zoning district designation within 2 mile of the marina.
 - c. Proximity of the marina to existing public boat landings, public swimming beaches and marinas.
 - d. Buffer areas between the marina and adjacent properties.
 - e. Location of ecologically significant areas within 2 mile of the proposed site.
 - f. Noise control measures.
 - g. A detailed sketch showing location and size of existing and proposed buildings, wells, septic systems, piers, individual slips, mooring buoys, water depth for berths and berth structures, boat launching facilities, beaches, fuel tanks and dispenser, parking lots, traffic circulation for both vehicles and boats.
 - h. A statement from the applicant indicating the number of berths proposed to be sold, rented, or leased and the method of conveyance (e.g., fee simple, lease).
 - i. Methods of waste collection and disposal. Identify precautions to stop improper disposal.
 - j. Visual markers and/or signage of reasonable dimensions necessary to identify and/or locate the project.
 - k. Exterior lighting of the marina facility.
 - l. Sewage system capacity and compliance.
 - m. Motor vehicle and trailer parking facilities.
 - n. Hours of operation.
 - o. Anticipated future changes or additional phases of the project.
 - p. Methods to safely dispensing fuel.
 - q. Location of any existing or proposed no-wake buoys.
 - r. Erosion control measures.
 - s. Storm water runoff controls.
 - t. Fire protection measures.

1885 u. A statement from the applicant identifying all permits applied for
1886 or obtained by the applicant or his/her predecessor at the site, or
1887 obtained by the applicant or his/her operator at any other
1888 commercial site within the preceding ten (10) years and the extent
1889 of compliance with such permits.
1890

1891 L. Marina Facility Requirements
1892

1893 Marina facilities shall comply with the following requirements:
1894

- 1895 1. Marina facilities may not be permitted on waters formally
1896 designated by federal or state government as an outstanding
1897 resource water.
- 1898 2. The applicant is required to secure authorization required by
1899 municipal floodplain, shoreland, wetland and general zoning
1900 ordinances and applicable state statutes and administrative rules,
1901 including but not limited to regulations relating to electrical, fueling,
1902 waste and sewage disposal and other safety and environmental
1903 regulations.
- 1904 3. The applicant must demonstrate that on-land boat storage or trailer
1905 launch facilities are not a feasible alternative to any proposed pier,
1906 boat shelter or mooring construction.
- 1907 4. The applicant shall employ erosion control measures to prevent
1908 erosion, siltation, sedimentation and washing and blowing of dirt
1909 and debris from excavation, grading, open cuts, side slopes and
1910 related activities of the applicant or the contractors. Such measures
1911 shall include, but not be limited to, seeding, sodding, mulching,
1912 watering, ponding and the construction of berms.
- 1913 5. The applicant shall determine stormwater runoff or flow as a result
1914 of this development. The applicant shall provide stormwater
1915 management facilities either in the form of an infiltration structure or
1916 a detention basin which will retain on-site the first inch of
1917 stormwater from all impervious surfaces from this development.
- 1918 6. Berthing privileges available to members of the public shall be
1919 rented or leased only on a first come - first served basis for terms
1920 no longer than one (1) year.
- 1921 7. Any change or proposed change involving the facts relating to
1922 criteria identified in sections 9.98(K) and (L) or as a condition of
1923 approval for which a conditional use permit was issued must be
1924 submitted to and approved by the County prior to implementation of
1925 such change.
- 1926 8. Reasonable public access to the facility and handicapped parking
1927 in compliance with state and federal regulations for the disabled
1928 must be provided.
- 1929 9. Permits issued under this section are subject to further restrictions,
conditions, modifications or revocation if the County determines the

1930 facility has become detrimental to the public interest or that it is not
1931 being adequately offered for use to the general public.

1932 10. Boats berthed at a marina facility shall not be used for overnight
1933 lodging.

1934
1935 M. Boathouses

1936
1937 Any permitted boathouse shall be confined to the viewing area, shall
1938 be at least 10 feet from the side yard lot line and subject to the
1939 provisions of section 9.94(A).

1940
1941 9.99 NONCONFORMING USES AND STRUCTURES (NR 115.05(1)(g))

1942
1943 A. Discontinued Nonconforming Use (NR 115.05(1)(g)3.)

1944
1945 If a nonconforming use is discontinued for a period of 12 months, any
1946 future use of the building, structure or property shall conform to the
1947 ordinance.

1948
1949 B. Maintenance, Repair, Replacement or Vertical Expansion of
1950 Nonconforming Structures. (s. 59.692(1k)(a)1.b. and d. Wis. Stats.)

1951
1952 An existing structure that was lawfully placed when constructed but
1953 that does not comply with the required shoreland setback may be
1954 maintained, repaired, replaced, restored, rebuilt or remodeled if the
1955 activity does not expand the footprint of the nonconforming structure.
1956 Further, an existing structure that was lawfully placed when
1957 constructed but that does not comply with the required shoreland
1958 setback may be vertically expanded unless the vertical expansion
1959 would extend more than 35 feet above grade level. Counties may allow
1960 expansion of a structure beyond the existing footprint if the expansion
1961 is necessary to comply with applicable state or federal requirements.
1962

1963 Note: Section 59.692(1k)(a)1.b. and d. Wis. Stats. prohibits counties
1964 from requiring any approval or imposing any fee or mitigation
1965 requirement for the activities specified in section 9.99. However, it is
1966 important to note that property owners may be required to obtain
1967 permits or approvals and counties may impose fees under
1968 ordinances adopted pursuant to other statutory requirements, such
1969 as floodplain zoning, general zoning, sanitary codes, building codes,
1970 or even stormwater erosion control.

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1972 C. Lateral Expansion of Nonconforming Principal Structure within
1973 the Setback. (NR 115.05(1)(g)((5))
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An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per sections 9.94 may be expanded laterally, provided that all of the following requirements are met:

1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
3. Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
4. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 9.96.
5. Conforming principal structures permitted a reduced setback per Section 9.94 are not permitted expansion under this Section.
6. All other provisions of the shoreland ordinance shall be met.

D. Expansion Of A Nonconforming Principal Structure Beyond Setback. (NR115.05(1)(g)((5m))

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under section 9.94, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per Section 9.94 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per section 9.94(F).

E. Relocation Of Nonconforming Principal Structures (NR 115.05(1)(g)6.)

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 9.94 may be relocated on the property provided all of the following requirements are met:

1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
3. No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.

2024 4. The county determines that no other location is available on the
2025 property to build a principal structure of a comparable size to the
2026 structure proposed for relocation that will result in compliance with
2027 the shoreland setback requirement per section 9.94.

2028 5. The county shall issue a permit that requires a mitigation plan that
2029 shall be approved by the county and implemented by the property
2030 owner by the date specified in the permit. The mitigation plan shall
2031 meet the standards found in section 9.96

2032 6. All other provisions of the shoreland ordinance shall be met.
2033

2034 F. Maintenance, Repair, Replacement or Vertical Expansion of Structures
2035 that were authorized by variance. (s. 59.692(1k)(a)2. and (a)4.
2036

2037 A structure of which any part has been authorized to be located within
2038 the shoreland setback area by a variance granted before July 13, 2015
2039 may be maintained, repaired, replaced, restored, rebuilt or remodeled if
2040 the activity does not expand the footprint of the authorized structure.
2041 Additionally, the structure may be vertically expanded unless the
2042 vertical expansion would extend more than 35 feet above grade level.
2043 Counties may allow expansion of a structure beyond the existing
2044 footprint if the expansion is necessary to comply with applicable state
2045 or federal requirements.

2046
2047 Note: Section 59.692(1k)(a)2. Wis. Stats. prohibits counties from
2048 requiring any approval or imposing any fee or mitigation requirement
2049 for the activities specified in section 12. However, it is important to
2050 note that property owners may be required to obtain permits or
2051 approvals and counties may impose fees under ordinances adopted
2052 pursuant to other statutory requirements, such as floodplain zoning,
2053 general zoning, sanitary codes, building codes, or even stormwater
2054 erosion control
2055

2056 G. Structures that do not meet the minimum setbacks to lot lines (side
2057 yard or rear yard setback) and road right-of-way lines.
2058

2059 The following requirements do not apply to the OHWM setback.
2060

2061 1. Accessory structures that encroach over lot lines, road right-of-way
2062 lines, or are located within the road setback, side yard or rear yard
2063 setback are permitted ordinary maintenance and repair. Such
2064 accessory structures shall not be structurally altered, improved,
2065 replaced or expanded.
2066

2067 2. Dwelling units or principal buildings located in road setback, side
2068 yard setback or rear yard setback areas may be continued subject to
2069 the following:

- a. All work must be in strict compliance with all other requirements of this ordinance. Ordinary maintenance, repairs and structural improvements shall be permitted.
- b. A dwelling unit or principal building or portions thereof located in a road setback, side yard setback or rear yard setback areas is permitted to be expanded vertically and horizontally, which may result in total replacement, in a direction away from the adjoining lot line or road right-of-way line. Upon reaching the setback line, such expansion may also be lateral to the setback line.
- c. In the event a proposed expansion is in a road setback area, the property owner shall obtain a written statement from the government entity that has jurisdiction over such road stating that it has no objection.
3. Dwelling units or principal buildings that encroach over lot lines or road right-of-way lines may be continued subject to the following:
- a. All work shall be in strict compliance with all other requirements of this ordinance.
- b. Ordinary maintenance, repairs and non-structural improvements shall be permitted provided they do not alter the envelope of such structure, which consists of any existing exterior wall, roof or foundation.
- c. Structural improvements. The alteration of any structural members of the existing walls, roof or interior structural members of such structure shall not be permitted.

CHAPTER 9

ARTICLE 10 – DEFINITIONS

(# 08-2004, 14-2007, 14-2008)

The following definitions shall apply and control through this ordinance. Words or phrases not defined specifically below but used in this ordinance shall be interpreted so as to give them the same meaning as they have at common law and to give this ordinance its most reasonable application.

Access and Viewing Corridor: a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

ALW Non-Riparian Lot - The average horizontal straight line measurement between side lot lines of a lot from any given point within the lot area to be computed. The minimum average lot width (ALW) shall apply to the area covered by the portion of the lot containing the buildable area for the district and land use that applies. If the districts average width dimensions are maintained from the point(s) at which the lot's minimum area requirement has been satisfied;

no additional area of a particular lot in question need meet the minimum average width requirement.

ALW Riparian Lot (Average Lot Width): The average horizontal straight line measurement between side lines of a lot. A lot shall be judged to meet the minimum average width requirement for the district in which it is located, if the district's average width dimensions are maintained from the point(s) at which the lot's riparian frontage width ("RFW" as defined in Article 10 Definitions) and/or frontage width is determined to the point(s) at which the lot's minimum area requirement has been satisfied; no additional area of a particular lot in question need meet the minimum average width requirement.

The minimum average lot width shall apply to the area covered by the minimum lot area. The width shall be calculated by averaging the measurements at the following locations:

a) The ordinary high water mark.

b) The building setback line (75ft from the OHWM).

c) The rear lot line or 200ft from the OHWM, whichever is closest.

Appurtenance: Any object or thing permanently or temporarily attached to a structure.

Banner: Any sign, painted, printed or otherwise displayed on cloth, plastic film or similar material.

Basement: Any enclosed area of a building having its floor subgrade, i.e., below ground level, on at least three sides.

Bed and Breakfast Establishment: Any place of lodging that: (a) provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients; (b) provides no meals other than breakfast and provides the breakfast only to renters of the place; (c) is the owner's personal residence; (d) is occupied by the owner at the time of rental; (e) was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence; and (f) has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that a structural addition including a renovation, to the structure may, after May 11, 1990, be made within the dimensions of the original structure.

Berth: A single space at a berth structure where a boat is kept, secured, or lies at anchor in aid of navigation.

Berth Structure: Any boathouse, boat shelter, boat hoist, boat lift, boat dolly and track or similar system, pier, dock, mooring or mooring buoy on a navigable

body of water or within the water line setback area from a navigable body of water where a boat is kept, secured or lies at anchor in aid of navigation.

Boarding House: A building or premises where meals or meals and lodging are offered for compensation for five (5) or more persons and not to exceed twenty (20) persons; not open to transients, in contradiction to hotels and restaurants open to transients.

Boat: Every description of watercraft used or capable of being used as a means of transportation on water, except seaplanes on the water, fishing rafts, sailboards, inner tubes or inflatable toys.

Boathouse: A permanent structure used for the storage of boats and other related items, one story only, cannot exceed a total height of 12 feet and shall contain no plumbing or other living facilities. watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts and shall contain no plumbing or other living facilities.

Boat Liveries: Establishments offering the rental of boats and fishing equipment.

Boat Shelter: A permanent structure in navigable waters designed and constructed to provide cover for a boat. It may include a roof and a boat hoist, but must not have walls or sides. Does not include shore stations.

Buffer strips: Areas adjacent to the aquatic vegetation of streams, wetlands, and lakes serving to facilitate nutrient buffering while providing additional benefits of shading to reduce water temperature, habitat, aesthetics and soil stabilization.

Building: Any structure which is built for the support, shelter or enclosure of animals, chattels or movable property of any kind and which is permanently affixed to the land, does not include a dwelling.

Building, Accessory: A detached subordinate building or a portion of a principal building, the use of which is incidental to that of the principal building.

Building Envelope: The enclosure formed by the intersection of all building lines. The three dimensional space within which a structure is built.

Building Footprint: The area enclosed by the lines formed by connecting all points where the building's walls, or the foundation supporting the walls, meet the ground. For the purpose of this definition, chimneys, decks, patios, cantilevered walls or other appurtenances shall not be considered as part of the building footprint (see also definition of Footprint).

~~**Building Height:** The building height for gable, cross gabled, hip, cross-hipped, saltbox and lean-to roofs shall be the mean height. Mean height being defined as: (A) the measurement from the lowest exposed point of finished grade to eave, PLUS (B) the measurement from the lowest exposed point of finished grade to the highest roof point. $A+B=C \div 2$ will give you the mean height or height of the building.~~

~~The building height for mansard and gambrel roofs shall be the mean height. Mean height being defined as: (A) the lowest exposed point of finished grade to the ridgeline and (B) the lowest exposed point of finished grade to the highest roof point. $A+B=C \div 2$ will give you the mean height or height of the building.~~

~~The building height for flat, A-frame style houses and geodesic dome style houses shall be measured from the lowest exposed point of finished grade to the highest roof point.~~

Building Height (structures located less than 75ft from the OHWM): is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.

Building Height (principal and accessory structures located greater than 75ft from the OHWM): defined as: (A) the measurement from the lowest exposed point of finished grade to eave, PLUS (B) the measurement from the lowest exposed point of finished grade to the highest roof point. $A+B=C \div 2$ will give you height of the building.

Building, Principal: The main structure on a lot which is built for the support, shelter or enclosure of animals, chattels or movable property of any kind and which is permanently affixed to the land, intended for primary use as permitted by the regulations of the district in which it is located. A lot on which more than one principal use is located may have more than one principal structure.

Bulkhead Line: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to sec. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

Business, Retail: A commercial establishment that sells products in relatively small quantities, not in bulk, directly to ultimate consumers.

Business, Wholesale: A commercial establishment that sells products for further sale or processing. Wholesale businesses sell to retail businesses or jobbers, not to ultimate consumers.

Cabin: A small dwelling used temporarily for vacation or recreational purposes.

Campground: An area of land so arranged and improved to provide the necessary facilities to accommodate overnight primitive and tent camping and camping trailers.

Camping Trailer: A vehicle with a collapsing or folding structure designed for human habitation and towed upon a highway by a motor vehicle, not to exceed 320 square feet.

CEAV: Current equalized assessed value.

Child Caring Institution: A facility operated by a child welfare agency licensed under sec. 48.60, Wis. Stats., for the care and of children residing in that facility.

Channels: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

Committee: Oneida County Planning and ^{Development}~~Zoning~~ Committee.

Communication Structure: Any structure, whether free-standing or attached to an existing building or other structure, that is primarily designed, constructed and/or intended for, or being used to, mount or support one or more radio frequency (RF) electromagnetic radiating or receiving antennas. Such structures include AM, FM and TV transmitting towers; cable TV receiving towers; microwave towers; cellular telephone towers; and towers for paging, emergency services, and other private or public radio systems. Self-supporting and guyed towers, and monopole masts, are included. RF radiating and receiving antennas, and associated components and devices attached to a communication structure shall be considered as part of that structure.

Community-Based Residential Facility: Has the meaning contained in sec. 50.01(1g), Wis. Stats.

Community Living Arrangement: Has the meaning contained in sec. 46.03(22), Wis. Stats.

Conditional Use: A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Planning and Zoning Committee, or where appropriate, the Board of Adjustment, or County Board.

Condominium: Property subject to condominium declaration including but not limited to land, buildings, or a part of the building or a group of buildings including all the land, jointly owned and operated with the law of the Wisconsin Statutes for the mutual protection and benefit of an association of all the members of ownership. The workings of this agreement are entailed in a condominium declaration.

Constructed wetland: Shallow pools that enhance growing conditions for marsh plants to maximize pollutant removal.

Construction Trailer: A portable structure designed to be used as an office at a construction site for a building, highway, gravel or borrow pit, etc., which is usually equipped with a telephone, desk, chairs and first aid equipment. Such a structure is not designed to be used for and shall not be permitted for use as living or sleeping quarters.

Contractor: Any person who contracts to physically alter structures or land, including but not limited to engaging in building, construction, grading, excavating and erosion control activities.

Conversion Condominium: A parcel of land with existing structure or structures converted to a condominium form of ownership.

County Zoning Agency: That committee or commission created or designated by the county board under s. 59.69(2)(a), Stats, to act in all matters pertaining to county planning and zoning.

Crawlway or Crawl Space: An enclosed area below the first usable floor of a building, generally less than five (5) feet in height used for limited access to plumbing and electrical utilities.

CUP: Conditional Use Permit.

Department: Oneida County Planning and Zoning Department.

DNR: The Wisconsin Department of Natural Resources.

Depressed Pervious Area: Commonly constructed to capture runoff from parking areas, it is lower than the surrounding surfaces, contains permeable soils and may have a built-in filtration system and/or a beehive drain.

Developed Shoreline: Those shorelines where both neighboring properties next to the riparian landowner contain a building of 500 square feet or larger, located with 250 feet of a proposed boat shelter.

Development: Any artificial change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to building structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

Drainage System: One or more artificial ditches, tile drains or similar devices which collect surface runoff or ground water and convey it to a point of discharge.

Dwelling: A detached structure or part thereof designed or used as a residence or sleeping place and includes a manufactured home, but does not include boarding or lodging houses, motels, hotels, tents, or tourist cabins.

Dwelling, Accessory: An additional dwelling unit on a parcel where a principal dwelling unit already exists.

Dwelling, Multiple Family: A dwelling containing two or more dwelling units, either attached, semi-attached or detached, including those under condominium form of ownership.

Dwelling, Principal: The main structure on a lot consisting of a room or a group of rooms, which are arranged, designed, used or intended for use as the main living quarters for one family.

Dwelling, Seasonal: A single family dwelling used on an intermittent basis for recreational purposes, such as, but not limited to, a hunting cabin. A seasonal dwelling is a dwelling which is not utilized as a principal or year-round dwelling and is not occupied more than 180 days in any 365-day period and does not require public services such as school bus transportation pursuant to Section 121.54 (2)(b) Wis. Stats. or amendments thereto, or snow plowing of roads by a governmental unit. Listing such dwelling as the occupant's legal residence for the purposes of voting, payment of income taxes or motor vehicle registration or for purposes of eligibility for a State of Wisconsin Lottery Tax Credit, or living in such dwelling for more than 180 days in any 365-day period shall be considered evidence that the dwelling is being used as a principal or year-round dwelling.

Dwelling, Single Family: A dwelling containing one dwelling unit either attached, semi-attached or detached.

Dwelling Unit: A room or a group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use as living quarters for one family.

EAV: Equalized assessed value.

Ecologically Significant Area: An area in which native aquatic plants are present in sufficient abundance and density to support significant spawning, seasonal or life stage habitat for first or other aquatic life and to protect water quality.

Encroachment: To advance beyond proper or prescribed limits.

Equal Degree of Encroachment: Is established by considering the effect of encroachments on the hydraulic efficiency of the "Floodplain" along a significant "reach of the stream". Hydraulic efficiency depends on such fact as the relative orientation of the channel with respect to the "floodway" the natural and man-made characteristics of the floodplain, of vegetation on both sides of the stream and the resistance of such vegetation to flood flow. In most cases, these factors will not result in equal distance or areas between encroachment lines on both sides of the stream.

Erect: To construct, build, fabricate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

Existing Development Pattern: That principal structure exist within 250 feet of a proposed principal structure in both directions along the shoreline.

Existing Pattern: Determined for highway setback purposes by requiring structures on property to conform generally to the setback of the structures on property immediately adjacent to it and on the same side of any street or road upon which the subject property fronts.

Extended Detention Pond: Storm water detention basins designed to temporarily hold storm water for an extended period of time, allowing the physical settling of pollutants.

Expandable Condominium: A condominium to which additional units or property or both may be added.

Expansion to Existing Mobile/Manufactured Home Park: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed. This includes installation of utilities, either final site grading, pouring pads, or construction of streets.

Exploration: Has the meaning set forth in Ch. 293, Wis. Stats.

Family: Any number of persons related by blood, adoption or marriage, not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity including community living arrangements with eight or fewer unrelated handicapped residents.

Farm: An area of land devoted to the production of field or truck crops, livestock or livestock products which constitutes the major use of such property.

Federal Emergency Management Agency (FEMA) : The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD)

Fence: An independent structure forming a barrier at grade between lots, between a lot and a street or road, or between portions of a lot or lots.

Fish Hatchery: An establishment for the breeding, propagation and rearing of fish fry.

Fisheries: An establishment for the production, harvesting and sale of fish produced on the premises.

Flood: A temporary rise in stream flow or stage that results in water overtopping its banks and inundating area adjacent to the channel.

Flood Profile: A graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

Flood Stage: For purposes of this ordinance, the term is used to mean the height or elevation of a flood as referred to some datum. For other purposes it is commonly used to refer to the elevation at which a stream will overtop its normal stage banks.

Floodplain: The land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringes as those terms are defined in Wis. Admin. Code NR116.

Floodplain Island: A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain Management: The full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.

Floodproofing: Using any of a variety of techniques to lessen flood effects on a structure as are permitted by Wis. Admin. Code NR 116.03 and any amendments thereto.

Floodway: The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream including but not limited to flood flows associated with the regional flood.

Forest Industries: The cutting and storing of forest products, the operation of portable sawmills and planer, the production of maple syrup and sugar.

Forest Products: Products obtained from stands of forest trees which have been either naturally or artificially established.

Foster Home: Any facility that is operated by a person required to be licensed by sec. 48.62, Wis. Stats., and that provides care and for no more than 4 children unless all of the children are siblings.

Freestanding Sign: A sign supported by posts, poles, or standards and is not attached or connected to any building.

Fur Farm: The breeding, raising and producing in captivity and marketing of fur bearing animals similar to an agricultural enterprise. Wild game trapping consistent with DNR regulations is excluded.

Garage: An accessory structure or portion of a principal structure utilized for the storage of motor vehicles. A garage may not be used as sleeping quarters.

Governmental Uses: Governmental activities or operations associated with the provision of services to the public. Governmental uses do not include correctional facilities, solid waste disposal sites or non-metallic mining.

Group Home: Any facility operated by a person required to be licensed by the department under sec. 48.625, Wis. Stats., for the care and of 5 to 8 children.

Habitable Buildings: Any building or portion thereof used or possible to be used for human habitation.

Hearing Notice: Publication or posting meeting the requirements of **Ch. 985, Wis. Stats.** Class 1 notice is the minimum required for appeals: Published once at least one week (7 days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments; published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

Home Occupation: A limited owner or residential tenant occupied business in a residential district that complies with the home occupation provisions of this ordinance. A home occupation includes a professional home office.

Horticulture: The cultivation of an orchard, garden or nursery.

Hotel: A place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.

House Trailer: A portable structure which is on wheels, skids, rollers, blocks, jacks, posts, piers, foundations or similar supports which is used or intended to be used primarily for human habitation, whether temporary or permanent, and which falls within one of the following categories:

- a. The structure is 12 feet long or less in width and does not comply with the ANSI National Construction Code for mobile homes.
- b. The structure meets all of the requirements of a manufactured home as defined in this Code except for the size.
- c. The structure meets all of the requirements of a mobile home as defined in this Code except for the size.

Hunting and Fishing Cabins: Buildings used at special seasons of the year as a base for hunting, fishing and outdoor recreation.

~~**Impervious Surfaces:** Those surfaces that do not absorb water, including but not limited to, buildings, paved parking areas, paved driveways, roads, sidewalks, and any other concrete, asphalt, or blacktopped areas. Additionally, any other areas determined by the Zoning Administrator to be impervious shall be classified and treated as an impervious surface. An area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.~~

Infiltration basins: Large open depressions that store storm water runoff while percolation occurs through bottom and sides.

Infiltration trenches: Shallow, excavated trenches filled with a coarse aggregate material and covered with a pervious soil layer.

Infiltration tube: A corrugated polyethylene tube with perforated dual wall covered by a filter fabric sock and buried vertically in a bed of aggregate.

Junkyard: An open area or fenced enclosure where used or second hand materials (including but not limited to scrap iron or other metal, paper rags, tires or bottles) are bought, sold, exchanged, stored, baled, packed, disassembled, processed, or handled. For purposes of this ordinance, a junkyard includes auto salvage yards, but does not include uses established or maintained entirely

2573 within enclosed buildings. Two or more inoperative machines, pieces of
2574 equipment or motor vehicles shall constitute a junkyard.
2575

2576 **Kenel:** A place where 4 or more dogs over the age of 6 months are boarded,
2577 bred, or offered for sale.
2578

2579 **Keyhole Development:** The creation of a lot, outlot or parcel of land, by any
2580 type of recorded instrument, that provides access to a navigable water body for
2581 ~~more than one~~ or more non-riparian lot, outlot or parcel of land and where the
2582 ownership of the riparian and non-riparian lots are not the same. Keyhole
2583 development shall also include dredging of a channel for the purpose of
2584 navigational access to a water body from one or more lots, outlots or parcels of
2585 land. Keyhole development shall not include public boat ramps or marinas
2586 permitted under this ordinance.
2587

2588 **Land Use:** Any non-structural use made of unimproved real estate. (Also see
2589 Development)
2590

2591 **Landward Expansion:** Expansion lying, facing or moving towards land or in the
2592 direction of land. Expansion which is situated or facing toward the land.
2593

2594 **Legal Pre-existing Structure or Use:** The existing lawful use of a structure or
2595 premises at the time of the enactment of this ordinance or any amendment
2596 thereto and ordinary may be performed thereon, although such use does not
2597 conform with the provisions of the ordinance for the district in which it is located,
2598 subject to conditions hereinafter stated.
2599

2600 **Legal Pre-Existing Signs:** Signs lawfully in existence on the effective date of
2601 this ordinance, but which do not conform to the requirements herein are declared
2602 legal pre-existing.
2603

2604 **Licensed Game and Fur Farm:** The propagation, production, and sale of birds
2605 and animals under a special license of the Wisconsin Conservation Department
2606 as covered in **Ch. 29**, Wis. Stats.
2607

2608 **Light Industry:** Those industries that have very little or no air, water, or noise
2609 pollution, such as, assembly plants for bug zappers, assembly plants for
2610 computers, assembly plants for coin machines, machine shops, and
2611 woodworking shops.
2612

2613 **Livestock:** Includes, but is not limited to horses, bovine animals, sheep, goats,
2614 swine, reindeer, donkeys, mules, llamas, bison and any other hooved animals.
2615

2616 **Lodging House:** A building other than a hotel, where lodging is provided for five
2617 (5) or more persons not members of a family and not open to transients.
2618

Lot: A distinct portion of plot of land. A continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

Lot area: The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

Lot Line: The boundary of a lot or parcel of land.

Lot of record: any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

Lot Width: The shortest distance between lot lines from any given point.

Maintenance and Repairs: ~~Has the same definition as "ordinary maintenance and repairs" in this ordinance.~~ Maintenance and repairs include such activities as interior remodeling, painting, decorating, paneling, plumbing, insulation and replacement of windows, doors, wiring, siding, roof and other non-structural components; and the repairs of cracks in foundation, sidewalks, walkways and the application of waterproof coatings to foundations.

Manufactured Building: A structure which, when erected on site, is 720 or more square feet in area and which complies with all construction safety, foundation, ventilation and access standards established under **Subchapter III, Manufactured Building Code, section 101.70** Wis. Stats., which is used or intended to be used primarily for human habitation, whether temporary or permanently.

Manufactured Home: A structure, transportable in one or more sections, which the traveling mode is 14 body feet or more in width and 52 body feet or more in length, or when erected on site is 720 or more square feet, and which is built on a permanent chassis, and designed to be used or intended to be used primarily for human habitation whether temporary or permanent, and which is connected to required utilities and which complies with all manufactured home construction and safety standards established under USC 5401-5426, which became effective June 15, 1976.

Manufacturing: The production of goods from raw materials.

Marina: An area on a river or lake devoted to Marine and related recreational business and service.

Master Zoning District Document: The document containing the legal description of each zoning district that is maintained and updated by the Zoning and Planning Department.

Metallic Mining: Has the meaning set forth in Ch. 293, Wis. Stats.

Mitigation: Approved, balanced measures that are designed and implemented to restore natural functions and values that are otherwise lost through development and human activities.

Mobile Home Park, Manufactured Home and House Trailer Park: Any area or premises on which is provided the required space for the accommodation of two (2) or more mobile homes, manufactured homes or house trailers, together with necessary, accessory buildings, driveways, walks or other required adjuncts.

Mobile Home: A structure manufactured or assembled before June 15, 1976, which complies with the ANSI National Construction Code for Mobile Homes, which is designed to be transported to its placement site as a single unit or in sections and equipped and used, or intended to be used, primarily for human habitation, whether temporary or permanent, with walls or rigid uncollapsible construction, which is at least 12 body feet in width and has an overall length in excess of 48 feet. "Mobile Home" includes the mobile home structure, its plumbing, heating, air conditioning, and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

Motel: A place that furnishes on-premise parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a "motel" rather than a "hotel" at the request of the operator.

Motor Home: A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Navigable Waters: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under sec. 281.35, Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sec. 59.692, Wis. Stats., and Wis. Admin. Code NR115 do not apply to lands adjacent to ~~farm drainage ditches~~ if:

- a. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river; and such lands were not navigable streams before ditching; and
- b. ~~Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and,~~

- e. ~~Such lands are maintained in non-structural agricultural use.~~
(b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body

Non-Metallic Mining or Non-Metallic Mining Operation: Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, and non-metallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading, or drudging if the purpose of those operations or activities is the extraction of mineral aggregates and non-metallic minerals, and related processes such as crushing, screening, scalping, dewatering, and blending."

Nuisance: A nuisance shall mean any source of filth or cause of sickness, any unreasonable use of property or activity that interferes substantially with the comfortable enjoyment of life, health or safety of another or others. An offensive, annoying, unpleasant or obnoxious thing or practice which may annoy or disturb others' enjoyment of their property.

Official Signs and Notices: Include only official signs and notices, public utility signs, service club and religious notices, and public service signs. Also, signs and notices erected and maintained by public officers or public agencies within their territorial or zoning Jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or non-profit historical societies may be considered official signs.

Off-Premise Sign: A sign which advertises goods, products, facilities or services not available on the premises where the sign is located, or directs persons to a different location from where the sign is located.

OHWM: Ordinary high water mark.

On-Premise Sign: A sign advertising activities conducted on the property on which it is located. This includes a sign which consists solely of the name of an establishment and a sign which identifies the establishment's principle product or services offered on the premises.

Open Fence: A fence constructed in such a manner that it does not unreasonably obstruct vision.

Ordinary High Water Mark (OHWM): The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial

vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Ordinary Maintenance and Repairs: Ordinary maintenance and repairs include, but are not limited to: replacement of existing windows, skylights, doors, and similar fixtures, when such replacement does not require the alteration of a structural element of the building such as a header, stud, joist, rafter, truss, or similar structural element; painting and staining of existing siding or replacement of deteriorated siding; replacement of damaged insulation; addition of insulation; repair or replacement of existing shutters, cabinetry, flooring, roof covering consisting of shingles, rolled, metal, fiberglass, tiles, and other similar roofing materials.

Parking Lot: A lot where automobiles are parked or stored temporarily but not including the wrecking of automobiles to other vehicles or storage for the purpose of repairing or wrecking.

Percent Slope (does not involve the placement of a structure): The difference in elevation from (a) the point of land disturbance closest to the OHWM and (b) the point of the land disturbance farthest from the OHWM (rise), divided by (c) the horizontal distance between the two points (run) multiplied by 100. (Rise over run x 100)

Percent Slope (for the placement of structures): The difference in elevation from highest elevation to the lowest elevation measured over the footprint of the structure. (a) the lowest point of land disturbance from that point of the structures footprint closest to the OHWM and (b) the highest point of the land disturbance from that point of the structures footprint farthest from the OHWM (rise), divided by (c) the horizontal distance between the two points (a and b) of the footprint (run) multiplied by 100. (Rise over run x 100)

Note: For proposed walkout or partially exposed basements/foundations sloping toward the OHWM, (a)= the lowest point of land disturbance closest to the OHWM.

Permanent Structure: A structure which is built of such material and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.

Person: An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

Pier: Any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for boats or for loading or unloading cargo or passengers onto or from boats. Such a structure may include a boat shelter which is removed seasonally.

Political Sign: A sign erected for the purpose of soliciting support for or opposition to a candidate or a political party or relating to a referendum question in an election held under the laws of this state.

Porous Pavement: An alternative to conventional pavement, it diverts runoff through a porous asphalt layer into an underground reservoir constructed of crushed stone or gravel. The stored runoff gradually infiltrates into the subsoil and water table.

Poultry: Domestic fowl, such as chickens, turkey, ducks or geese raised for flesh or eggs. Exotic species may include but are not limited to ostrich, emu, etc.

Professional Office: When conducted in a residential district a professional office shall be incidental to the residential occupation and shall be conducted by a member of the resident family entirely within the residential building, and shall include the office of a doctor, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other similar recognized profession.

Prospecting: Has the meaning set forth in Ch. 293, Wis. Stats.

Private Club or Private Camp: Buildings or ground used for regular or periodic meetings or gatherings of a group of persons organized for a non-profit purpose, but not groups organized to render a service customarily carried on as a business.

Private Sewage System: A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by the special purpose district. Unsewered lots mean those lots sewered by a private sewage system.

Public and Private Parks, Playgrounds, Campgrounds, and Golf Courses: Areas of land with or without buildings designed for recreational uses.

Public Sanitary System: All facilities of a sanitary district with taxing authority for collection, transporting, storing, pumping, treatment and final disposition of sewage. However, it does not include any private sewage systems. Sewered lots mean those lots sewered off a Public Sanitary System.

Public Utilities: Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Public Utility Line: Underground and overhead transmission lines erected and maintained by a public utility.

Public Utility Sign: Warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

Public Utility Structure: A structure erected and maintained by a public utility.

Quarrying: The removal of rock, slate, gravel, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or any other such process.

Rain gardens: Areas of lower elevation adjacent to roads or parking areas, and can be incorporated into a landscaping plan in developments. Underlayment may consist of permeable materials or may resemble a mini-wetland. Hydric plants and shrubs are used to provide temporary storage of peak flows and infiltration of storm water runoff.

Rain harvesting system: Storm sewer catch basin, varying in diameter from 3 to 6 feet, with a storage chamber below the outlet pipe that will vary from 3 to 6 feet in depth. The sump or storage chamber provides residence time for runoff, allowing the physical settling of sediments.

Reach: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man-made or natural floodplain obstructions or restrictions. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most likely be a reach.

Real Estate Sign: A sign advertising the sale or lease of land upon which it is located or of a building on that land.

Reclamation: The rehabilitation of the project site including, but not limited to establishment of vegetative cover, stabilization of soil conditions, prevention of water pollution and where practicable, restoration of fish, plants and wildlife.

Recreation Camps: Areas of land improved with buildings or tents, and sanitary facilities used for the accommodation of groups for educational or recreational purposes.

Recreational Vehicle: A mobile home when fully expanded contains 400 square feet or less of living space, and which is built on a permanent chassis and designed to be towed on a highway by a motor vehicle and equipped and used, or intended to be used, primarily for temporary human habitation or recreational living quarters, and includes the plumbing, heating, air conditioning and electrical systems contained in the recreational vehicle. A recreational vehicle includes a motor home, park model, truck camper, travel trailer and camping trailer.

Recreational Vehicle Parks: An area of land so arranged and improved to provide the necessary facilities to accommodate overnight primitive and tent camping and camping trailers, motor homes, park models and recreational vehicles.

Regional Flood: The regional flood is a flood determined by the Division of Resource Development which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the one-hundred (100) year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

Replacement Construction: The principal building or portion thereof is torn down and replaced by a new structure or building or portion thereof.

Resort: A facility licensed by the State of Wisconsin Division of Family and Health Services where lodging is offered for pay. A resort may include a hotel, motel or tourist rooming house and may also be under the condominium form of ownership. A resort does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments.

RFW (Riparian Frontage Width): (Re: Section 9.93 (E)(2) of the Oneida County Zoning & Shoreland Protection Ordinance) The minimum riparian frontage width shall be measured the lesser of a straight line connecting points where the side lot lines intersect the OHWM or as the length of chord which is perpendicular to a side lot where it intersects the OHWM and terminates at the opposite side lot line.

Riding Academy: An establishment having horses for rent or hire.

Right-of-Way: Lands dedicated for public use for road purposes.

Riparian: An owner of land adjacent to navigable waters.

Service Business: Commercial establishment devoted to the performance of work for others, not the production of a tangible commodity. Examples of service

business include, but are not limited to offices for physicians, accountants or attorneys.

Service Club and Religious Notices: Signs and notices, whose erection is authorized by law, relating to meetings of non-profit service clubs or charitable associations, or religious services, which signs do not exceed 8 square feet in area.

Setback: The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, ~~water—line~~, OHWM or prospective construction line to the nearest vertical wall or other element of a building or structure.

Shoreland Alteration Permit: A permit issued in this ordinance generally required to fill, grade, lagoon, dredge, ditch and excavate shoreland.

Shoreland Setback Area: Also ^{known}~~known~~ as the “Shoreland setback area” Means an area in a shoreland that is within a certain distance of the ordinary high water mark in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under this section 59.692, Stats.

Shoreland-Wetland Zoning District: The zoning district, created as a part of this Shoreland Zoning Ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.

Shorelands: Lands within the following distances from the ordinary high water mark of navigable waters: 1,000 feet, measured horizontally, from a lake, pond or flowage, and 300 feet, measured horizontally, from a river, or whichever distance is greater.

Shoreyard: Those lands within 200 feet of the ordinary high water mark of a navigable lake, pond, flowage or river.

Shrub: A plant native to the area with bushy, woody growth usually branched at or near the base, less than 15 feet in height.

Sidewalk: Means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.

Sign: Any outdoor advertising, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, structure, or other thing, which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place from the roadway. Included in this

definition as signs are graphic devices such as logos, attention attracting media such as banners, pennants, flags or logo sculpture, statues, inflatable devices, and obtrusive colored fascia or architectural elements.

Silviculture: The planting, thinning and harvesting of trees.

Special Exception (conditional use): A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and ~~zoning~~ ^{Development} committee or county board.

Special Zoning Permission: Special zoning permission has the meaning given in sec. 59.69(15)(g), Wis. Stats. as may be amended from time to time.

Standard Project Flood: A hypothetical flood, estimated by the Corps of Engineers, representing the critical flood runoff volume and peak discharge that may be expected from the most severe combination of meteorological and hydrologic conditions that are considered reasonably characteristic of the geographical region involved, excluding extremely rare conditions.

Storage Capacity of a Floodplain: The volume of space above an area of floodplain land that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving.

Story: That part of a building between a floor and either the next floor or ceiling above. A basement shall not constitute a story.

Street: A public road or highway right-of-way usually affording primary access to abutting property.

Structural Alteration or Structural Improvement: Any modification or replacement of structural members of the existing exterior walls, roof, foundation, internal partitions or structural members such as headers, studs, joists, rafters or trusses.

Structure (s.59692(1)(e), Stats): A principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.

Structure: Anything constructed or erected, the use of which requires permanent or temporary location on the ground, or attached to something having a permanent or temporary location on the ground, including but not limited to any building, dwelling, manufactured building, manufactured home, mobile home, house trailer, recreational vehicle, boathouse, boat shelter, advertising sign, deck, patios, driveways, fences, retaining walls, or other improvements or any part of such structure. A structure includes any permanent or temporary

appurtenance attached thereto, including but not limited to awnings and advertising signs.

Structure, Accessory: A subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include but are not limited to detached garages, decks (both detached and attached), sheds, barns, gazebos, patios, swimming pools, walls, fences, playground apparatus, driveways, parking lots and parking facilities, sidewalks, stairways, lifts, recreational courts and private emergency shelters.

Structure, Principal: The main structure on a lot, intended for primary use as permitted by the regulations of the district in which it is located. A lot on which more than one principal use is located may have more than one principal structure.

Substandard Lots: A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current requirements for a new lot.

Temporary Structure: A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term.

Tourist Rooming House: All lodging places and dwelling units for eight (8) or less persons, other than hotels and motel with four (4) or less rooms, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourist or transients, or bed and breakfast establishments.

Trapper's Cabin: A building used as a base for operating one or more trap lines.

Tree: A plant native to the area with a woody stem, unbranched at or near the base, reaching a height of at least 15 feet or more and a diameter of over 4 inches at maturity.

Unnecessary Hardship: That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing the area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

Unrelated Business: A business having a separate identity as recognized in the Internal Revenue Service and which requires a separate filing of income tax papers.

Use, Accessory: A subordinate use which is clearly and customarily incidental to the principal use of a structure or premises and which is located on the same lot as the principal structure or use. Accessory uses include, but are not limited to, storage and gardening.

Use, Principal: A principal use is a use which may be lawfully established in a particular zone or district, provided it conforms with all requirements, regulations and performance standards of this ordinance when the use is the dominant activity on the premises. More than one principal use may be located on a lot.

Variance: An authorization by the board of adjustment for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the zoning ordinance.

Vegetated Filter Strips: Consist of close growing vegetation designed to receive overland sheet flow. The vegetation slows runoff and traps particulate pollutants. Effectiveness of these strips is a function of the length and slope of the filter strip, soil permeability, the size of the drainage area, and the type and density of the vegetative cover. Good performance for pollutant removal can be expected from widths of 50 to 75 feet and an additional 4 feet of width for every one percent of slope.

Vegetated Swales/Grassed Channels: Broad shallow channels with a dense stand of vegetation established in them that are designed to promote infiltration and trap pollutants. The combination of low velocities and vegetative cover provides for pollutant settling or treatment by infiltration. This practice can also provide reduced volumes of runoff and peak discharges. Low gradient swales perform better than steeper grades.

Vertical Expansion: Expansion either upward and/or downward within the existing building footprint.

Viewing Area: An area relatively free of vegetation that allows a reasonably unobstructed view of the shore from the principal structure located on the property.

Vision Triangle: The triangular area adjacent to the intersection of any public roadways or private road within which sight lines are maintained for vehicular traffic. The triangle is established by measuring a distance of 10 feet from the intersection of the extended curb or edge of the pavement of the public roadway or private road. A straight line connecting the ends of each measured distance that forms the hypotenuse shall establish the visibility triangle.

Walkway: A developed path consisting of concrete, gravel, brick, wood, paving stones or other similar materials.

Watershed: The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

Waterway: Any body of water declared navigable pursuant to sec. 30.10, Wis. Stats.

Wetlands: Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions and which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

Wet detention pond: Consists of a single permanent pool of standing water with a depth between three and five feet. Allows pollutants to settle and usually built with a defined fore bay and outlet structure.

Wet retention pond: A single cell permanent pool of standing water with no outlet.

Wharf: Any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for a boat or for loading or unloading cargo or passengers onto or from a boat.

Zoning Administrator: The Oneida County Planning and Zoning Administrator or his or her designee.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #15-2017 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources.

Approved by the Planning and Development Committee this 10 day of January 2018.

Consent Agenda Item: ☒ YES ☐ NO

Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

The County Board has the legal authority to adopt: Yes ☒ No ☒ as reviewed by the Corporation Counsel, [Signature], Date: 1/11/18

*** SEE ATTACHED MEMORANDUM**

3166 Offered and passage moved by:

3167 Scott Holcomb
Supervisor
3168 [Signature]
Supervisor
3169 [Signature]
Supervisor
3170 [Signature]
Supervisor
3171 [Signature]
Supervisor
3172 [Signature]
Supervisor
3173 [Signature]
Supervisor
3174 [Signature]
Supervisor
3175
3176
3177

3178
3179 12 Ayes

3180
3181 6 Nays

3182
3183 3 Absent

3184
3185 ☒ Abstain

3186
3187
3188 X Enacted

3189
3190 by the County Board of Supervisors this 10 day of January, 2018.

3191
3192 Defeated

3193
3194 [Signature]
3195
3196 Tracy Hartman, Clerk

[Signature]
David Hintz, County Board Chair

Resolution - # Amendment to Resolution # 5-2018

Supervisors	AYE	NAY	ABS	ABSTAIN
Jensen	X			
Fried	X			
Metropulos	X			
Pederson	X			
Kelly	X			
Krolczyk	X			
Oettinger	X			
Pence	X			
Mott	X			
Winkler	X			
Young	X			
Ives	-	-	X	
Paszak	X			
Freudenberg	X			
Zunker	X			
Holewinski	X			
Timmons	-	-	X	
Cushing	-	-	X	
VanRaalte	X			
Sorensen	X			
Hintz	X			
TOTALS	18		3	
TAGS				
Amanda Morgan				
Brighid Billing				
Ben Kebusiak				

Resolution #

Motion by VanRaalt to

replace with

814 Strain Zoning and Development

1007 Separate maybe to take

where may be

2274 Strain Zoning and Replace with

Development

2952 - Strain Zoning with

known

2991 - Strain Zoning and Replace

with Development

Seconded by Jensen

Amended Resolution

[illegible]

Protection Ordinance